Scott. II-37—45,000—9-11-34.

Development (1935) Department.

MS SERIES.

G.O. No.	1443
DATED	17-X-35

[Despatch Abstract.]

Libraries - school - teacher- L.Fernandez - Memorial - Orders passed.

BACK PAPERS.

G.O.	No.	Department	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

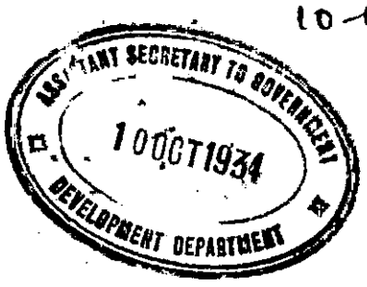
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Dev. 3548-I

10-10-34

H. M. M. 3. 5.10.34

Dev. 9/10



From,

L. Fernandes,

Udyavara Post,

Udipi, (South Kanara District.)

To,

The Developement Minister,

Fort St, George ,

M A D R A S.

Sir,

I most respectfully beg to represent the following injustice done to me by the Assistant Director of Fisheries (Coast) - Calicut for your generous consideration.

2. In the Fisheries Department there is a body called - Fisheries Committee like the Madras Services Commission to - recruit teachers for Government Fisheries Schools. The Assistant Director of Fisheries is the President of the committee. The - District Educational Officer , the Headmaster of the Fisheries Tg. Institute Calicut are the other chief members of the - Committee.

3. I was appointed in a Government Fisheries School on 23-7-1928 (order enclosed). After I worked for one year, I was deputed by the Fisheries Committee for Secondary Grade Training after a competition examination . The committee had a full quorum on the day of my selection.

4. I underwent the training course successfully in the - Government College, Mangalore , and my result may be referred to page 20 of Fort, St, George Gazette dated 19-5-31, my conduct and service was also satisfactory. (copies of certificates - enclosed)

5. At the completion of this training , I was eligible for a scale of Rs. 35/- to Rs. 60/- per mensem. But the Assistant Director started me on Rs.25/- to Rs. 50/- in Sri. Jnanodhaya Government Fisheries School, from 26-3-31.

6. After I worked for 16 months, I was deputed by the Assistant Director for Fisheries 3rd years' training, at Calicut, on Secondary Grade stipend . I underwent the course successfully and my result may be referred to Fort, St, George Gazette dated 22nd August 1933.

7. At the completion of the course the Assistant - Director ought to have appointed me at least on Rs.25/- to Rs.50/- if not on Rs. 35/- to Rs. 60/-, as I was in continuous service from 1928 . But I was not appointed inspite of the fact that many of my juniors and unqualified teachers were - appointed. (ref: to para 14 and 15 of my petition dated 5-11-34) As per rules , even if I wanted to discontinue my services, the Assistant Director could not have allowed me to go without recovering from me all the stipend.

8. Now in the year 1932, a memo D.Dis, 273/-4/32 - dated 27-4-32 was served to me by Assistant Director stating that my probation was extended (enclosed). On 22-6-32 I - petitioned to Assistant Director to grant me my increment as I had put in one complete year's satisfactory - service. (petition enclosed). The Assistant Director said That as I was a probationer and as I was not confirmed he could not draw increment. (ref-to memo L.Dis, No.3977-A/32 dated 10-7-32 - enclosed). I thaught that this rule was ---- aplicable to all, Fisheries teachers and that no one was --- granted increment . Hence I kept quiet.

9. In the year 1933 when I was undergoing ---- training at Calicut , I received another memo, No. 4820-M/32 dated 7-3-33 stating that the probationary periods of myself and K.A. Thingalaya were extended by one year . But my ----- probationary period was not extended from 7-3-33 and hence the memo, is in-correct. (memo enclosed) In this memo, the name of M.M. Padyar a third candidate of my batch was missing. I learnt that his probation was completed and granted increment after one year's service Hence on 5-4-33, I petitioned to the Assistant Director to complete my probation and grant increment from 26-3-32.

10. The Assistant Director delayed this petition for 2 months and 6 days and in his memo. No. E.Dis, 2251-M/33 dated 11-6-33 quotes completely a new rule and says that I was not a probationer and that I cannot claim increment as my service was not satisfactory.

11. On 27-4-32, 22-6-32 and 7-3-33 the Assistant Director goes on saying that I was a probationer . But when I proved that my probation was completed satisfactorily and that I ~~deserve~~ deserve increment the Assistant Director takes to a new rule. On 7-3-33 he says I was a probationer and on 11-6-33 he says I was not a probationer.

12. This new rule may be applicable to Malabar, Fisheries teachers, as these are not eligible for a scale of Rs. 35/- to Rs.60/- after completion of only two year's training.

13. Further if I could not be given increment because my service was not satisfactory the Assistant Director could have said it in his memo mentioned in para 9 of this petition instead of quoting a rule about confirmation . The Assistant Director could have mentioned it at least in the Inspection Remarks of that year if in reality my service was unsatisfactory. The Assistant Director had no necessity to keep it a secret for more than a year.

14. Though I had been in the Fisheries Department from 1928-1933 for a period of about five years no officer of any department has said that my service was unsatisfactory. The Deputy Inspector of Schools , who is the proper authority to decide about the work of teachers has approved and verified all my 16 month's service in my T.S.S.L.C. book. If my service was unsatisfactory the Assistant Director would not have deputed me for the 3rd years' training also on Fisheries Second Grade stipend . From the Honourable Minister for education , I had received two certificates for teaching charts in the exibition when I was working in Government Fisheries School. I raised Sri, Jnanodhaya Fisheries School to an incomparable high level of excellence in strength and efficiency.

15. According to rules I was on probation from 26-3-31 to 26-3-32 and if my probation was extended, I ought to have been informed about it before 26-3-32. The Assistant Director had done this in the case of K. Anantha Thingalaya . Hence as my probation was not extended before 26-3-32 and as I received the memo long long after (26-3-32) my probation was completed. In my petition dated 5-11-33 I have clearly pointed out that teachers of equal merits were on probation and had drawn increment . Hence I am eligible for it.

16. Then on 7-9-33 and on 7-10-33, I petitioned. --- (copies enclosed) to complete my probation and grant increment The Director upholds Assistant Director's last rule and says that I was not on probation in his memo No. 2271-C/33-3 dated 9-10-33, (enclosed). Then on 5-11-33 I petitioned (copy-- enclosed) to the Director showing that very many candidates of equal merits were on probation and were granted increment.

17. The Director on 1-12-33 returned this petition to me to submit it through the officer under whom I served last. Accordingly I submitted a copy of the petition to the Head Master Fisheries Training Institute, to - forward it to the Director through the Assistant Director The original was resubmitted to the Director.

18. The Assistant Director delays this for a month and a half (his endorsement N.Dis, 7582-F/33 dated 30-1-34 ----- enclosed) orders me to submit the original to forward to the Director. Accordingly I submit all the originals . Then again the Assistant Director returns to me all the papers and in his endorsement . N.Dis, No. 1192-F/34 dated 22-2-34 (enclosed) says I have no right to appeal.

19. All these petitions ----- contained Assistant Director's seals and it was clear that I obeyed Director's orders. The petitions I submitted to the - Director with an explanation dated 1-3-34 (enclosed) stating that Assistant Director erred in not deciding my case . I also requested the Director to pass orders.

20. But the Director delays for about 10 months and passed an order (memo No. 1283-C/34-3 dated 14-8-34, enclosed). ~~(enclosed)~~ stating that I have no right to appeal because I was not a probationer (enclosed all copies referred to in this memo).

21. If this was so the Director could not have passed orders (enclosed) to my petitions dated 7-9-33. Surely I cannot be on probation now.

22. T. Muthappa, Thaniappa and Menkon have failed in Fisheries training and hence these could not be on probation according to the rule. Yet all these appealed to the Government to exempt them from Fisheries training on 22-11-33 and these appeals were forwarded by Assistant Director and Director to Government. I do not understand how these peoples' case is better than mine.

23. Further, when I was undergoing training at Calicut one K.M. Shetty was appointed as Interpretor. But the Director did not approve of his appointment. But when he appealed to Government he was retained as Interpretor. Surely this Interpretor was not a probationer. I counted more service than this Interpretor and also better qualified. Hence the Director erred in deciding my case.

24. Further, I was selected by the Fisheries committee for a scale of Rs. 35/- to Rs. 60/- an appointment to be made by the Director and hence I have a right to appeal to the Director. Moreover the terms of bond are arranged between myself and the Director and hence I have a right to appeal. I am sure Government won't deprive a subordinate, the right to appeal when an officer does injustice

25. Though I was in the Fisheries Department from 1928-33 for a continuous period of five years the Assistant Director did not appoint me after I completed Fisheries training. Many of my juniors were appointed. He appointed also unpassed hands. I underwent this long course of training on a measure stiphend, on the understanding that I will be appointed in a Fisheries school. I repeatedly implored the Assistant Director

Assistant Director and the Director to reinstate me . But a deaf ear was turned to me

26. Therefore I pray for justice , equality , redress reinstatement and restoration of my loss . On 20-6-33 I was not discharged or relieved or appointed and hence I may be given Secondary Grade teachers salary from 20-6-33 to date the period of umemployment . All this period may be counted both for pension and increment . My probation may be -- completed . The Assistant Director erred in ~~xxxxxx~~ starting me on Rs. 25/- to Rs. 50/- from 26-3-31. I may be started on Rs. 35 to Rs. 60/- even from 26-3-31 for which I was selected by the Fisheries Committee.

I beg to remain

Sir

Your Most Obedient Servant

L Fernandes.

Udyavara

23-9-1934..

Ref. No. 1107/28 1 Fisheries Office,

Calicut, 18-8.1928-

Memo

Sub:- Eduction- Udyawar 66hool-Taking over-

The Udayawar school is taken over permanently with effect from 25-7-1928.

L.Fernandiz, Headmaster, Udayawar school, will be paid Rs.20/- per mensem from 25-7-1928-

Registers, stationery etc. will be sent in due course.

C.P.A.31/8

for Asst. Director of Fisheries
(Coast)

To

L.Fernandiz, Udyawar school.

Copy to headmaster, Udyawar school,

" Inspector of Fisheries, Mangalore.

Copy to accunt.

8

Agreement to be entered intoby students in Training Institutions.

Know all men by these presents that I L.Fernandes of 5 Udyavar is bound to the Director of Fisheries in the sum of Rs. 470/- to be paid to the said Fisheries Director or to his certain attorney successors or assigns for which payment I bind myself my executers and adminstraters by these presents sealed with my seal dated this day of 1929 Whereas the above bounden Ligoury Fernandes has entered the bond as a stipendiary student for the purpose of being trained as a school teacher at the expence of Govt. and whereas it has been agreed that the above bounden Ligoury Fernandes son of Fabian Fernandes of udyavar shall enter into a bond in the above mentioned sum of Rs470/- with such a condition as is hereunder written.

Now the condition of the above written bond is such that the bond shall be void if the said Ligoury Fernandes shall go through at the said Govt. College the full course of training prescribed by Govt.for Fisheries schooland shall after the completion ofsuch course of training to appear for the next ensuing examination necessary for qualification as a probationary trained teacher of the grade for which he is trained,,and inthe event of Failure thereat appear for the succeeding examination or examinations with a veiw to his becoming qualified as aforesaid and shallm also after completion of his trainung as aforesaid accept an appointment offered to him as a teacher in a Fisheries school withen the jurisdiction of the Madras Fisheries Dpt., unlessthis inability to do either iss shown to the satisfaction of theDirector of Fisheries Madras for the time being and shall serve withen six5years after completing his training courseas aforesaid for a period of 5 years as such a teacher of a school and shall during such course of training abide by these rules and regulations laid down by Government with the respect of stipendiary students that the said Ligoury Fernandes and during such period of five years as afore said abide by all the rules and regulations laid down by Gevernment with respect of teacher of a Fisheries school or if he is prevented by illhealth from going through such full course of training as aforesaid.

Otherwise the bond shall remain in full force

Signed, sealed and delivered by the abovenamed
in the presence of the Headmaster , Sd.L.Fernandes.
Government Higher Grade Training
school for men.

9

Copy of D.Dis. 1298-F/31 Govt. Fisheries Office Calicut
Dated 14-3-1931.

Office order.

Fisheries pupil teachers - Under-going second year course at the Government Training school - Mangalore - Posting of -

---

The following postings are ordered:-

1. Ligoury Fernandes to act as assistant teacher Sri-Jnonodhaya School, Mangalore in relief of Miss. Maria Rosa - Bangera to be discharged.

2. Anantha Thingalaya to act as assistant teacher, Polippu school in the place of U. Venkatappayya transferred.

3. U. Venkatappaya, assistant teacher , Polippu shhool to act as assistant teacher , Malpe school.

4. M. Manjunatha Padiar , to act as assistant teacher , Baindoor school.

Sd/ For Asst. Director of Fisheries (Coast

To,

Ligoury Fernandes through Inspector , Mangalore.
Anantha Thingalaya, -do-
M. Manjanatha Padiar, -do-
U. Venkappaya Polippu school.
Copy to the Hd. Master , Sri Jnanodhaya school.
-do- Polippu school
-do- Malpe school.
-do- Baidur school.

Copy to Miss. Rosa Maria Bangera , Sri Jnonodhaya school.
Copy to the Inspector of Fisheries, Mangalore.
Copy to accountant.

(2)

D.Dis. 273-M/32

Govt,Fisheries Office,

Calicut, 27-4-32.

Memo

Establishment-Public Service-Period of probation of Asst. teacher L.Fernandez-Srignanodaya school-

The period of probation of assistant teacher Legory Fernandez of Srignanodaya school is extended by one year from 26-3-32-

for Asst. Director (Coast)

C.P. A. 28/4

To

Ligory Fernandez, Sriganaodaya school.

Copy to the Inspecetor, Mangalore.

From

L.Fernandez,
Teacher, Sriganaodaya ~~School~~ Fisheries school,
Mangalore.

Through
The proper channel.

To
The Asst. Direcetor of Fisheries,(Coast),
Ca-licut.

Sir,

I have been working in this school from 26-3-31 and I have discharged my duties to the entire satisfaction of my superiors throughout. Hence I most humbly beg of you to grant me my increment from 26-3-1932 for which act of kindness and generosity I shall ever remain grateful to you.

I beg to remain,
Sir,
Your most obedient servant,

(sd) L. Fernandez.

Mangolee)
)
22-6-32)

12

Copy of L.Dis, 3977-A/32 of the Assistant Director of Fisheries (Coast) dated 10-7-1932.

Subject:- Establishment - Asst. teacher - L. Fernandes.- increment.

Reference:- Your petition dated 22-6-32.

You are still on probation. Duty as probationer does not count for increment unless it is follwed by confirmation. Rule 9(6) of the Fundamental Rules.

Sd/Asst. Director (Coast)

To L. Fernandes
Copy to the Hd, Master, Srijnanodhaya school
Copy to Inspector of Fisheries, Mangalore
Copy to acountant.

13

Copy of No. 4820-M/32 of the Asst. Director of Fisheries (Coast)
Dated 7-3-1933.

Subject:- Public Service - Probationers - period of probation of K. Thingalaya and Liguory Fernandes.

The periods of probation of teachers K.Ahantha Thingalaya and Liguory Fernandes, now undergoing final year's training - Institute are extended by one year from 22-3-33 and 26-3-33 - respectively.

Sd/For Asst. Director.

TO K. Anatha Thingalaya)
Liguory Fernandes) Through the H.M.F.T.I., Calicut.
Copy to Inspector of Fisheries Mangalore.

No. 5269-F/31 14 Govt.Fisheries Office,

Calicut, 17-7-32.

OFFICE ORDER.

Sub:- Establishment-South Kanra Fisheries trained teachers-
3rd year's training at the Fisheries Training Institute,
Ca licut.

The following persons are requested to join the Fisheries Training Institute, Calicut on the forenoon of 1-8-1932 for undergoing the final year course there.

1. Manjunatha Padyar- Asst. teacher- Bayndoor.
2. A.Subba do- Kirimanjeshwar.
3. B.Muthappa- do- Navanada.
4. U. Thaniappa- do- Kodi.
5. B.Krishna- do- Ma lpe-
6. K.M.Menakan- do- Malpe.,
7. T. Muthappa- do- Malpe.
8. Aa ntha Thingalaya-Asst. teacher Polippu.
9. Ligory Fernandez- do- Srignanoda ya.
10. U.Krishnappa-Headmaster. Sandspit.

11. Indra Bai-
12. U.Chandayya.
13. B.Mudda-
14. Ail Veerappa-

Pupil teachers not employed but awaiting 3rd year's course at the Fisheries Training-Institute.

Orders posting substitutes for the relief of teachers 1 to 10 will be issued separately. The Headmasters are requested to relieve the teachers sufficiently early to enable them to join the Fisheries Trainin Institute on 1-8-32 (forenoon)

C.P.A. 18/7 for Asst.Director of Fisheries (Coast

To

The Individuals concerned.

Copy to the Headmasters, Byndoor, Kirimanjeshwar, Navunda, Kodi, Malpe, Polippu, Srignanodaya, Sandspit.

Copy to the Inspector of Fisheries, Mangalore.

Copy to accountant.

Extra.

16

Copy of Memo.No. L.Dis 2251-M/33 of the Govet. Fisheries office Calicut dated 11-6-33.

You cannot be treated as on probation from the date of your joining the school as you cannot be deemed to have been selected for admission to the service within the meaning of Rule 6 of the Fisheries Subordinate Service Rules.

2. Your increment cannot be sanctioned as your work was not satisfactory.

Sd/ for A.D.C.

To L. Fernandes.

17

From,
L. Fernandes ,
Udyawara Post. South Kanara.

To,
The Director of Fisheries Madras.

Sir,

I most humbly beg to represent the following to your - generous considieration.

From 23rd July 1928, I wesked in Udyawar Fisheries School for one year. During this time officers of the Education and Fisheries Departments visited the school and found my work quite satisfactory. Hence I was recommended for training in the Govt. College Mangalore . Under these circumstances in reality my - probation was completed from 23rd. July 1929, as otherwise I - would not have been selected to undergo training at the expense of the Fisheries Department.

My work in the Government College was also quite satisfactory Confidential reports sent by Headmaster , Secondary Grade Deptt. Government College , to the Asst. Director about my work may be referred to

My services in Sri Jnaonodhaya school were also quite - satisfactory . The Deputy Inspector of Schools during the annual Inspection in February 1932 examined my 11 month's work and found it quite good. Even in July 1932, a few days before my relief he visited the school and once again found my work quite satisfactory . All the 16 month's service have been approved in my - T.S.S.E.C book . The officers of the Fisheries Department also found my work quite good.

Though many teachers served in Sree Jna nodaye School no one was able enough to raise the children to such a high level of excellence in studies. The children who left Vth Standard were admitted to First Form in Ganapathi High School Mangalore and in the Model School of the Government College of Mangalore.

No child that left V standard in Sree Jnanodaya School was admitted to First Form in any High School before this. This is the first instance. I am glad to mention that all these children have passed that year and are now studying in II Form.

Further I was awarded two certificates in the exhibition for teaching charts, by the Education Minister. These certificate are still kept in Sree Jnanodaya School. No such meritorious certificates were won in this school before or after this.

All these surpassing merits do not go to prove that my work was "unsatisfactory" as stated by the Assistant Director in his last memo No. L.Dis.2251/M/33 dated 11-6-33. Hence this memo is not based on any ground reason or justice.

All the meritorious work in this school that year cannot be attributed to any of the other teacher on the staff as all the rest of the teachers were on the staff even in previous years. The Staff that year was not strengthened by any additional hand. It was rather weakened a s one of the four teachers suddenly left the school at about the time of the annual Inspection and I had to under take more work. Though I was drawing the least amount of slary I was the best Qualified techer on the Staff and also in the whole of S.Kanara.

Now I gather that the Asst. Director with-held my hard earned increment and extended my probation because my work was unsatisfactory. Therefore the pretext on which the A.D.C. extended my probation and with held my hardearned increment is not justifieable. If in reality my work was unsatisfactory I ought ot have been informed about it then and there only-at least in the Inspection Review of the A.D.C. of that year. The A.D.C. had no necessity to keep this as a secret for more than one year. Further if my work was not

satisfactory I ought to have not been selected for third Year's training at Calicut as the money spent on me at that time was a complete waste to the Department.

Further if my work was unsatisfacetory the A.D.C. ought to have extended my probation before 26-3-1932, the last day of my one year's service as it was done in the case of K.A.Thimgalaya. I was given the memo obout my proba tion long long after I a ctually completed my period of proba tion. Hence the A.D.Cls meme is out of the way.

Hence I firmly hope that this sort of strenuous and unselfish work met their perper reward at least at the hands of the Director and I humbly beg to complete my probation from 23-7-29 or 23-7-30 or 23-7-31 or 23-7-32 or at least on 26-3-32 and grant my hard earned increment.

Udyavar)
7-10-33.)

I beg to remain,
Sir,
Your most obedient servant,

sd. L. Fernandes

19

Copy of No.2271-C/33-3 of the Director of Fisheries, Madras dated 9-10-1933.

Subject:- Establishement- Late teacher - L. Fernandes.

Reference:- His petition dated 7-9-1933.

The Director regrets that L. Fernandes cannot be considered to have completed the period of probation as a teacher in the Fisheries Department as the question of probation under the Madras Fisheries Sub.Ordinate Service Speacial Rules will not arise till he has obtained the Trained teachers' certificate of the Fisheries Training Institute, Calicut, and is selected for admissio to the service.

2. The enclosures received with his petition are returned herewith.

SD/ For Director of Fisheries.

To

Mr. L. Fernandez,
Udayavar, P.O. S. Kanara.

20

From

L.Fernandez,
Udyavar P.O.

To

The Director of Fisheries,
Madras.

Sir,

1. With reference to the Director's memo No. 2271-c/33-3 dated 9-10-33 and in supersession of my application dated 7-9-33 I beg to submit as follows.

2. Messrs. U. Krishnappa, B.Krishna, B. Muthappa, Subba who are mow workking in Fisheries schools in South Kanara were appointed in year 1929 immediately after they passed Mangalore training. All these teachers completed the Fisheries training at Calicut only in the year 1933. But all were granted annual increment even from 1929. At present one and all these are drawing increment from 1929-

3. Hence these teachers were admitted to Fisheries Service even before they underwent Fisheries Training at Calicut. Their Service from the year 1929 is counted both for pension and increment.

(1) Therefore there isno justification in saying that I was not admitted to service from 26-3-31. As the rule mentioned by the Director did not apply to the above four teachers it cannot apply to me a single individual.

4- In the year 1929 (1) myself (2) Ail Veerappa (3) M.M.Podyar (4) K.A.Thingalaya were the four hands selected by the Fisheries committee for training at Mangalore on Fisheries stipend. One of us No.2 was disqualified by the District Medical officer. Rest three after 2 years' training were appointed in Fisheries Schools in the month of March 1931.

5. In the month of March 1932, No.3 received a memo from the Asst.Director stating that his probation was completed. It is on this ground that he was granted increment from 1932 which he is drawing even today.

6. In the month of May 1932 I received a memo D.Dis. 273-m/32 dated 17-4-32 stating that my probation was extended by one year. Thinking that it was some office routine I did not attach any importance to it. Then I was un-aware that No.3 was granted increment. Hence I did not send any satisfactory and deserve increment.

7. In March 1932 No.4 received a memo from the Asst. Director stating that his proba-tion was extended because he quarrelled with the Headmaster. He had at least reveived it before the close of his one Year's service.

8. Then again in the year 1933 when I was undergoing Fisheries training I received another memo No. 4820-m/32 dated 7-3-33 from the A.D.C. stating that the probationary periods of myself and No.4 were extended by one year. But the memo of No3. who belonged to our batch was missing. It is at this time I learnt that the probation of No.3 who belonged to our batch was completed.

9. Hence I sent a petition to the Asst.Director to complete my probation and grant increment for my merits. This is the only petition I sent to the A.D.C. in connection with my probation.

(1) Therefore as the rule mentioned in the Directors memo No.2271-c/33-3 dated 9-10-33 did not apply to No. 3 who was in no way on a better footing than myself, it cannot apply to me a single individual.

(11) If at all the question of my proba-tion had not arisen as stated by the Director, I am sure the Asst. Director

had no necessity to extend my probation twice in two years that too, of his own accord. I did not send any representation in this connection and raise the question of probation.

10. The question of my probation arose on 26-3-32. If in fact the rule quoted by the Director in his memo No2271-c/33-3 dated 9-10-33 did ~~not~~ exist even on 7-3-33. If at all it had existed the A.A.C. would not have extneded my probation even on 7-3-33 in the 2nd. memo.

(11) The A.D.C. took about 2½ months to reply my petition mentioned in para 9th of this petition. In this long period the A.D.C. managed to frame the rule mentioned by the Director and get the approval of the Govt. because the A.D.C. wrongly extended my probation and withheld my hard earned increment. This rule is brought into existance only when I proved that my probation was satisfactorily completed and deserve increment. But as it did not apply to No.3 and many others S. Kanara teachers it cannot apply to me a single imdividual.

(12) This rule can be applicable only to ordinary trainded teachers who were appointed in Fisheries schools for temporary appointments for want of teachers trained on Fisheries Stipend.

(1) I was selected by the Fisheries Committee to undergo trainign on Fisheries Stipend as in the case of No:3 and many other Fisheries teahers.

(11) The Asst.Director wrongly extended my probation from 26-3-32 and with-held my hard earned increment for private end inview.

13. Hence I pray to reconsider by petition, complete my probation and grant my hard earned increment from 26-3-32.

14. In addition to this I also beg to bring the following to the Director's consideration. Though I was working in the Fisheries Dpt. from the year 1928 to 1933 for a continuous period of about five years if I was not appointed after the completion of Fisheries Tg. at Calicut in spite of the fact that many of my juniors who are also of lesser merits have been appointed . Their names are as follows.

1. Mr. Ail Veerappa
2. U. Muddya
3. Miss Indira Bai
4. Chinnamma.
5. Candaya Salien.
6. Mendon.

Before I passed Fisheries Tg. Examination I worked in the Fisheries Sri Jnanodaya School as a Fisheries Trained teacher. But none of ~~my juniors~~ the above mentioned teachers have worked even for a single day after passing Mangalore Training. Yet in June 1933 the A.D.C. overlooked my seniority in service and appointed the six teachers. In educational merits also I am above all the six teachers. Though No1 who is the only other candidate that has passed Sec. Grade Tg. Examination I secure more percentage of marks in the Public Exam. In the Fisheries Tg. Exam. he failed in one part . No 2 has also failed in one subject in Fisheries Tg. Exam. at Mangalore. Nos 4& 5, and 6 have not passed Fisheries Tg. Exam. and are unfit to serve in Fisheries schools.

15. In addition to these Messrs Thaniappa, Menkon, and T. Muthappa are the other three teachers who are at present working in Fisheries schools and who have not passed Fisheries Tg. at Calicut.

16. I am though a fully qualified teacher is kept vacant. I underwent 3 yrs. Tg. course on the understanding that I will be appointed after the completion of my Tg. I had also given a bond to the Director that I will be working at least for five years in the Fisheries Dpt. after the completion of my three years Tg. course failing which I am bound to refund all the three years stiphend including the tuition fee. The tuition fee at the Govt. College alone amounts to Rs80/-. Moreover if I am not employed in the Fisheries Dpt. the Tg. given to me and the stipend spent on me will be a waste to the Govt. I am not intimated the reason for not appointing me breaking my long service and over looking my seniority.

17. The A.D.C. has done this for grudge and grudge alone. My probation was wrongly and arbitrarily extended probably with this object in view. The A.D.C. created this confusion in my case and made the whole muss of the matter in order to hoodwink the Director.

18. Though I was selected by the Fisheries Commettee for a scale

72

scale of Rs 35/- to Rs 60/- to which I was fully qualified I volentered to work even on Hr.Grade Teachers scale. Hence the A.D.C. could not say that there was no vacant post for me.

19. Hence I pray for justice, equality, reinstatement, redress and restoration of loss. I firmly hope that all my right claims, surpassing merits and hard work meet their proper reward at the hands of the Director.

Udyavar)
5-11-1933.)

I beg toremain,
Sir,
Your most Obedient Servant,
sd. L. Fernandes.

Govt. Fisheries Office,
Calicut, 30-1-34-

Endt. N.Dis. 7582-F/33 dated 30-1-34.

Returned through the Headmaster, Fisheries Training Institute alicut.

2. The original should have been submitted through me instead f a copy and should have been accompanied by the papers referred to n the memorial. I see no reason to forward a copy submiytted throug he Head master, Fisheries Tg. Institute, without enclosures.

Sd. U. Karunakaran Menon.
31-1-34-
A.D.C.

.P.A. 30/1 ·
o L. Fernandes , through Head master, F,T.I., Calicut.
ndt. no. 79/34.

Forwarded.

sd. Head master. F.T.I.
2- 2- 34

24

Ind. N. Dis. No. 1192-F/34 dated22-2-34.

The rules do not permit of the petitioner being considered a probationer and the Director in his memo. No. 2271-c/33-2 dated 9-10- 33 has told the petioner so. I decline to discuss with the petitioner the cases of others mentioned in the petition .

2. The only question for decision at present is whether the petitioner can be appointed a teacher in a Fisheries school and when. This question at present arise as there are no vacancies. The rules do not provide for an appeal in cases where the appointing authority fails to appoint an applicant to a post for which he applies. The petition is returned.

Sd. U. Karunakara Menon.
23- 2 -34.
A.D.C.

S.S. 22/2.
To.
L.Fernandes,
Udyavar P.O.
South Kanara.

25

From
L. Fernandes,
Udyavar P.O.

To
The Director of Fisheries,
Madras.

Sir,

With reference to your memo. L.Dis. No.2805-c/33 dated 1-12-1933, I most humbly beg to state that I submitted my petitions dated-7-9-33and 5-11-33 to the Headmaster to be submitted to theDirector through the A.D.C. But the A.D.C. writes as follows and returns my petition which I have enclosed herein. (The original memo of the - A.D.C. is enclosed).

I submitted the petitions to the A.D.C.in accordance with the order of the Director. Hence the A. D.C. erred in not forwarding my patition to the Director. More and above all this the petition had been been addressed to the Director and according to the rules the A.D.C. was bound to forward it. The validity or otherwise of the petition is to be decided by the officer to whom it was addressed and not by any other officer in the middle.

As I had not properly represented to the Director in my petition dated 7-9-33 that I have completed my probation and that my service was counted both for pension and increment and that I deserve increment from 26- 3- 32, the Director in his memo. No. 2271/c-33 dated 9-10-33 repeated the rule mentioned in the A.D,C.'s memo. No. L.Dis.2251-m-33 dated 11-6-33. Because the petition had been addressed to the Director the A.D.C. had no necessity to discuss with me the cases of others - mentioned in my petition. I was compelled to mentioned the cases of M.M. Padiyar and others as they are in all ways connected to my case. All the these were entertained on the same footing and as myself. Hence all the rules applicable to them are also applicable to me. By mentioning these cases I pray for justice and equality and nothing else.

The A.D.C. repeatedly said that I was a probationer. But when I proved that my probation was completed and that I was admitted to service and that my service was counted both for pension and increment and that I deserve increment from 26-3-32, the A.D.C. completely changed his order within two months of his previvous last order and quoted complete a new rule. When the A.D.C. does some wrong he quotes some rules and presses that all that is done by him is right. Under these circumstances if I am not allowed to appeal,, it is most tyrannical and oppressive. It is for this reason that I was compelled to mentionthe cases of - others. As M.M. Padiyar and a lot of others were given increment I pray that I too may be given. Itis really hard earned.

If the above given letter of the A.D.C. in the last para it is stated that there are no vacancies to entertain me at present. This is quite meaningless. In para 14 of petition dated 5-11-33, I have clearly shown that six raw and unqualified teachers have been appointed all of whom are also much juniors to me in service. Apart from this -

this ther are three more unqualified teachers are in Fisheries schools who are not at all fit to work in Fisheries schools specially when - there is a fullyn qualified Fisheries teacher without an employment. I have passed Fisheries Tg. and S.S.L.C examination and I am fully qualified Sec. Grade Fisheries teacher. Still I have been kept vacant since last June.

The rule quoted by the A.D.C. in last para of his above order is quite incorrect. If it is correct the Director would not have ordered me to submit the petition through the Headmaster. The rule mentioned may be applicable to an ordinary applicant to an ordinary post. But I am a bounded servant of the Department entertained on certain terms. I have been guaranted with a post soon after my training. I have been put to a great loss by keeping me vacant like this. Hence I have better claim for the post than an ordinary applicant. Further I have given a bound to the Director and hence I have got every right to appeal to the Director. Further I am also eligible for an appointment to me made by the Director.

If the A.D.C. had done justice to me there is no necessity for him to disallow me to place the matter before the Director for discussion. Surely it is not proper on the part of the A.D.C. to with-hold my hard earned increment, deprive me of my appointment and disallow me to appeal the matter. The A.D.C. had done this to evade the matter and take more time probably in the long run to take advantage of all this in some way or other.

Hence I most humbly beg of you to grant me my hard earned increment and appoint me at an early date at some place.

I beg to remain,

Sir,

Your most ovedient servant,

(Sd.) L. Fernadez.

Udyavar

11-3-34.

27

From
L.Fernandez,
Udyavar P.O.

To
The Director of Fisheries,
Madras.

Sir,

I beg to submit that on 12-3-1934 I resubmitted to the Director of Fisheries my papers dated 7-10-1933 and 5-11-1933 in connection with my appeal.

I most humbly beg of you to pass orders at an early date.

I beg to remain,
Sir,
Your most obedient servant,
(Sd) L.Fernandez.

Udyavar P.O.
15-4-1934.

28

From

L.Fernandez, Udyavar P.O.

To

The Director of Fisheries, Madras.

Sir,

From 23rd July 1928 to 19th July 1929, I worked as an untrained teacher in a Fisheries school. From 21st July 1929 to 19th March 1931, I was sent for training to the Govt. College. Then I worked for about 16 months in Jnanodaya Fisheries School. From there I sent for training to Calicut. I passed the training and I am now a fullfledged Fisheries Secondary grade teacher.

After the completion of my training at Calicut I was not at all appointed by the A.D.C. probably with the object of giving my place to his own candidate.

Ail Veerappa, U.Muthaya, Indira Bai and Chinnamma are the four hands appointed by the A.D.C. who are much juniors to me and also of much lesser merits. The first three hands had never worked in Fisheries Schools as trained teachers. Yet the A.D.C.appointed these teachers and never appointed me. I worked in the Fisheries Department from 1928 to 1933 without any break in the middle.

T.Muthappa, Thaniyappa, Menakan and Chinnamma who are also now working in Fishries Schools in S,Kanara have not passed Fishries training. According to the rules these should not have been retained in the school when a fully qualified Fisheries teacher is kept unemployed. Indira Bai has not passed Higher Grade Ordinary training and therefore she is also not qualified. From 20th June 1933 till today I have been kept vacant without an employment.

Therefore I most humbly beg of you to appoint me at an early date.

Udyavar
17-4-'34

I beg to remain,
Sir,
Your most obedient servant,
(Sd.) L.Fernandez.

From

L.Fernandes, Udyavara P.O. S.Kanara Dt.

To

The Director of Fisheries,

Madras.

Sir,

It is indeed a matter for very much regret that the Director has not passed any orders to my petitions dated 7-10-33 and 5-11-33. It is now complete 8 months and all these days I had been waiting in vain for an order. Even to my last reminder dated 5-4-34, I have not been given a reply. For the last one year I have been kept vacant inspite of my pepeated requests for reinstatement.

Udyavar
6-6-34.

I beg to remain,
Sir,
Your most obedient Servant,
(Sd.) L.Fernandes.

31

From

L. Fernandes, Udyavar P.O. S.Kanara Dt.

To

The Director of Fisheries, Madras.

Sir,

On 7-10-33 and 5-11-33 I submitted my petitions to the Director for consideration. In accordance with the order of theDirector the petitions were also submitted to the A.D.C.

It is now over nine months and I have not yet received any reply Throught this period I have sent reminders after reminders and I was not at all responded.

In this I had represented to the Director how the A.D.C. erred in depriving me of my appointing-ment when I became a full fledged Fisheries teacher. This long silence of the Director discourages me very much. I fully hoped that the Directer would redress all my grievences and reinstate me at an early date. In fact even if I was a servant in a private house for such a long period of 5 years, I would not have been deprived of my appointment so mercilessly and kept un employed for such a long period. In this long period I passed all the examinations most creditably and my lecturers speak highly of me. I raised Sri Jnanodaya school to an uncomparable high level of excellance in strength and efficiency. I won two certificates for teaching from the education Minister, Madras. All my 16 months' service was verified and approved by the Deputy I nspector of Schools in my T.S.S.L.C. book.

But the Director seems to turn a deaf ear to all my prayers and supplecations. All my hard and meritorious work and right claims are overlooked. Moreover by this long delay all my claims become weaker and weaker.

Therefore, I humbly pray to pass orders at an early date. I may be at least informed how long I have to wait to get a reply if the Director is inconvenienced to pass orders at early date.

I beg to remain,
Sir,
Your most Obedient Servant,
Sd. L.Fernandes.

Udyavar)
8-7-34.)

From
L.Fernandes. Udyavar P.O.

32

To
The Director of Fisheries, Madras.

Sir,
On 19-4-34 I applied for a secondary Grade teachers post. I may be kindly given a reply.

I beg to remain,
Sir,
Your most obedient servant,
Sd. L.Fernandes.

Udyavar)
9-7-34-)

PROCEEDINGS OF THE Director of Fisheries, Madras.

Name: Dr.B.Sundara Raj, M.A., Ph.D.,

No. 1283-c/34-3 Dated 14th August 1934.

Short Title Establishment - Exteacher - L.Fernandez-Petition

1. Petition dated 5-11-1933 from L.Fernandez, Udayavar P.O.
2. Letter dated 11-3-1934 from -do-
3. Memo No. 809-c/34-1 dated 24-4-1934 to the Assistant Director (Coast)
4. Letters dated 15, 17, and 19-4-34 from L.Fernandez.
5. Endt. No. 1283-c/34-1 dated 30-4-34 to the A.D.C.
6. Letter 1770-c/34 dated 28-5-34 from the A.D.C.
7. Postacard dated 6-6-34 from L. Fernandez.
8. Letter dated 8-7-34 and 9-7-34 from -do-
9. Memo 1283-c/34-2 dated 23-7-34 from the A.D.C.

The applicant is not a probationer and therefore has no right of appeal under the rules against the decision of the A.D.C. Calicut.

Signed for Director of Fisheries.
15-8-34.

To

L.Fernandez,
Udyavar, P.O.
S.Kanara Dt.

36

Government College Mangalore.

L. Fernandes underwent his Training course in this Institution (1929-1931) and I have pleasure in saying that during the two years of h course he maintainted a high level of excellance in his studies. He is earnest and painstaking and ought to make a good teacher.

Sd. G.K.Chettur, M.A. (Oxon.)
Principal.

(True copy.)

K.P.G. Menon, M.A. (Oxon.)
Bar-at-Law.

35

Govt. College,
Mangalore, 8th June 1931.

L. Fernandes was one of my very good students in the class. He bore himself always with dignity and was noted for his behaviour and aptitude for English. I have reasons to believe that my collegues share my openion about his charactor and I am sure he will carry out any work that may be entrusted to him with care and deligence.

Sd. K.P.G. Menon.
Vice Principal.

(True copy.)

Government College Mangalore. 56 Dated 11-6-1931.

L.Fernandes who was a student in the Sec. Tg. class of this College from 1929 to 1931 is well known to me. he has attended my class in Biology for a year and during that time I have always found him to be very earnest and hard working student. He takes a very great in the study of Biology and he has collected some fine marine specimens for the College Museum. Imbued with a strong sense of duty as he is sure to make himself useful wherever he may be. His character and conduct have been t throught very good.

Sd. Venkatasubramanyan, M.A.L.T;
Lecturer in Natural Science.

(True copy.)

32

Secondary Training Department, Government College Mangalore.

Relieving Certificate-

*** *** ***

This is to certify that Ligoury Fernandes was trained as a Secondary Grade teacher from 22-7-1929 to 19-3-1931 in the Secondary Training Department Government College, Mangalore. He has appeared for the Training School Leaving Certificate Examination held in March 1931. His conduct and character ~~is~~ while under Training were good. He was releived from the Traing Institution on the afternoon of the 19th March 1931.

Sd. T.Mangesh Rao.

38

GOVERNMENT FISHERIES TRAINING INSTITUTE, CALICUT.

I hereby certify that L. Fernandes underwent Training in this Institute from Aug. 1932 to 1932 and sat for Final Examination for Fisheries Teachers in June 1933.

Calicut)
20-6-33)

Sd. E.Raman Menon,
Headmaster,
Fisheries Tg. Institute, Calicut.

List of References 39

1. Petition dated 11.9.31 to H.E. the Governor in Council
2. A.P.C. Ref. No. 1107/29 dated 18.8.1928.
3. A.D.C. Order No. 13[illegible]-F/31 dated [illegible]
4. [illegible] Dist. Order No. 27-M/31 dated 5.12.32
5. Petition of [illegible] dated 22.6.32
6. [illegible] (7)-M/32 of A.D.C. dated 7.11.1932
7. A.D.C. No. 1820-M/32 dated 7.3.1933
8. A.D.C. No. 5244-F/31 dated 17.7.32
9. A.D.C. No. 5278-F/31-1 dated 17.7.32
10. A.D.C. Memo. No. [illegible] 2251-M/32 dated 11.6.33
11. Petition of [illegible] for the Kolar Gold Belt
12. Circular No. [illegible] dated 9.11.33
13. Petition of [illegible] to the Divisional [illegible]
14. H.E.C.S. Endt. No. 7582-F/3 dated [illegible]
15. " " No. 1192-F/33 dated 23
16. Petition of [illegible] for the Kolar Gold Belt
17. " " " " "
18. " " " " " 11.[illegible]
19. " " " " " [illegible]
20. " " " " " [illegible]
21. " " " " " [illegible]
22. " " " " " [illegible]
23. Petition. No. 1283-C/31-2 [illegible]
24. Certificate of G.K.E.A. Union.
25. K.P.C. Memorial.
26. Verhandlungen
27. T. Narayanaswamy Naidu
28. E. Ramaswamy [illegible]

Dev. 3614-II
15-10-34

From
14 OCT 1934
DEVELOPMENT DEPARTMENT
H. Fernandes.
Udyavar P.O., S. Kanara.

H.M. No. 3
10.10

To
The Development Minister,
Madras.

Dev
13/10

Sir,

I beg to inform that a Separate copy of the Memorial dated 23-9-1934, with all the enclosures, has already been Submitted to the Director of Fisheries, Madras, to be forwarded, to the Development minister, Madras.

2. Further in continuation of my memorial dated 23-9-1934, I pray that all the petitions submitted along with my memorial dated 23-9-1934 may be considered according to the rules and circumstances existing then the recruitment rules regarding probation and entertainment of teachers in Fisheries Schools that are brought into existance, may not be applied to me

3. I have enclosed copies of two more petitions, to add to my memorial dated 23-9-34, which I submitted to the Director

and the Asst: Director through whom I submitted
17.42-43 my letter dtd 13-7-1934 and 11-7-1934, I have not yet
received any reply to them either from the
Director or from the Asst: Director.

I have three petitions too in my
consideration and I may be appointed elsewhere
early soon; for which act of kindness and
generosity, I shall ever remain thankful
to you.

Yours obediently
Seyavar
15-10-1934

I beg to remain,
Sir,
your most obedient Servant
[illegible]

Dm. 24.11.

A.C
The Director's remarks may be awaited
IM 20.11.34.

[illegible]
15.10.34
bm
15/10

RK
18/10

Dm. 24.11.

O.M.M. 3526 P II/34:1

The Director of Fisheries is
requested to state what his remarks
in the petition of L. Fernando, Udayawan
17.1-6 Wijesinghe, and other details E.G.M. and of Subordinate
petitioners may be expected

[illegible]
24.11.34.

Shd he not have sent
these Here? The Head of the
Dept? We... mentioned
in the Dir:

RK
23/11

42

From

L. Fernandes,

Udayavar P. O., S. Kanara.

To

The Director of Fisheries,

Madras.

Sir,

Having heard that there is a Vacancy of a Canarese Interpretor's post, in the Fisheries Training Institute, Calicut, I most humbly beg to offer myself as a candidate for the same

I have passed Secondary Grade Training Examination. and I have also passed Fisheries Training Examination in all the parts. I secure more than 35 percent marks, in all the Subjects in the S.S.L.C. Examination in English, C. Canarese and A. Canarese which are the most important Subjects for this post I secure 41 percent, 57 percent and 56 percent re spectively.

Therefore I most humbly beg of you to appoint me for the said post considering my manifold merits for which act of kindness and generosity I shall ever remain grateful

I beg to remain

Sir,

Your most obedient Servant

L. Fernandes.

Udayavar.
13-7-1934

Q3

From

L. Fernandes,
2nd Byavar P. O., S. Kanara.

To

The Asst. Director of Fisheries,
-Calicut

Sir,

Having heard that there is a vacancy of a Canarese Interpretors post in the Fisheries Training Institute -Calicut, I most humbly beg to offer myself as a candidate for the same.

I have passed Secondary Grade Training Examination. I have also passed Fisheries Secondary Grade Training examination in all parts. I secure more than 35 per cent marks in all Subjects in the S. S. L. C. Examination. In English, C. Canarese and A. Canarese which are the most important Subjects for this post I secure 41 per cent 57 per cent and 56 per cent marks respectively.

Therefore I most humbly beg of you to appoint me for the said post, considering my manifold merits for which act of kindness and generosity I shall ever remain grateful

I beg to remain,
Sir,
Your most Obedient Servant,
L. Fernandes

2nd Byavar.
Dt. 7-1934

D. 3759 II

24.10.34.

~~Dev.~~ H.M.M.S. 23.X.34

From,

L. Fernandez

Udyavar Post., South Kanara.

To,

The Devehopement Minister,

M a d r as

Sir,

In continuance of my memorials dated 23-9-34 and 5-10-34 I most humbly beg to submit as follows:-

2. I was appointed as a teacher in a Fisheries School first on 23-7-1928, and therefore I was admitted to Fisheries Service on 23-7-1928. Later on I passed all the Departmental Tests, i.e., Training Examinations , with a view of improving the scale of pay and prospects of the appointment I was holding from 23-7-192[illegible] These Departmental Tests, i.e., Training Examinations not with a view of getting an appointment apart from the appointment I was hoding from 23-7-1928 as wrongly interpreted by the Assistant Director . I cannot be said to be appointed at any time after ~~23~~ 23-7-1928. Therefore the rules and scale of pay that was in force in 1928 only, are applicable to me . The new rules and the new scale of pay that might have been brought in force any time after 1928, cannot be applied to me

3. Further under no circumstances can be ~~xxxxxx~~ teachers mentioned in para 14 of my petition dated 5-11-1933 (Copy - submitted with any memorial dated 23-9-34) can be seniors to me. The Assistant Director wrongly iterprets that K.A. Thingalaya a teacher mentioned in para 4 of my petition dated 5-11-33 (Copy submitted along with my memorial dated 23-9-34) is also senior to me inspite of the fact he was appointed in a Fisheries School only on 23-3-1931. At this rate the teachers mentioned in para 14 of my petition dated 5-11-33 (Copy submitted on 23-9-34) inspite of the fact that the former were appointed in the Fisheries school in the year 1927 and latter in 1933 because all these completed the final years' training together in the year 1933 and appointed there after.

P.T.O.

4 The teachers mentioned in para 14 of my petition dated 5-11-3. (Copy submitted on 23-9-33) were able to undergo the final year (Third year's) training with me because they were sent up for the third year's training immediately after ~~this~~ the second year's training . But I was delayed by the Department for sixteen - months . This delay is made for the convinience of the Departme It was no fault of mine . I was prepared to undergo the third years training in the year 1931 immediately after my second years training . Therefore these teachers cannot be seniors to me and the succesful completion of the third year's course - cannot deprive me of the appointment , I was holding from 23-7-2

5 In all the Government Departments the service is counted not from the date of passing the Departmental Tests but from the date of joining appointment first. Therefore it is clear that I was admitted to Service from 23-7-28 and not at any time after 1928.

6 Moreover immediately after my second year's training only I became a certified trained teacher eligible for the scale of pay for which I was selected by the comittee . This was allow to all the South Kanara trained teachers both in the Education and Fisheries Departments. Therefore the Assistant Director could have very well exempted me from the third year's course as it was done to ~~many~~ many South Kanara Fisheries teachers because the Department could not take me up for the third year's course immediately after my second year's course in 1931. If I was taken up for ~~thexthird~~ for the third year's course for which I was prepared immediately after the second year's course I would have been able to complete my third year's training also by 1932. In that case the teachers mentioned in para 14 of my petition dated 5-11-1933(Copy submitted on 23-9-34) could not have been seniors to me and could not have been appointed in preference to me

7 ~~Further~~ the Assistant Director went on saying I was a probationer, that I was not confirmed and that my probation was extended. But when I proved that my proobation was completed satisfactorily the Assistant Director took to complet ly a new rule , and said that I was not a proobationer . But [illegible]

a candidate belonging to my batch the Assistant Director granted increment . If any Fundamental or Subordinate Service Rules existed then they should have been applied to this teacher also As he was granted increment , I too ought to ~~had~~ have been granted increment . The Assistant Director erred in with-holding my hard earned increment . In fact I ~~done~~ deserve increment from 23-7-192 as I pray in my petition dated 7-10-1933(Copy submitted along with my memorial dated 23-9-34)

8. The Assistant Director applied the last rule to me and said I was not a probationer to say in the long run I have no right to appeal and thus prevent me from representing to the Governme the justice done to me by ~~depriving~~ depriving me of my appointment . By saying that I was not a probationer and that I have no right to appeal, the Assistant Director wrongly interprets that I am a new candidate applying for a new post. The Assistant Director forgets that I was in continuous service from 23-7-1928 to - 20-6-1933 for about five long years. Even the very previous day of my joining the Fisheries Training Institute, Calicut , I was on service as a trained teacher , unlike the teachers mentioned in para 14 of my petition dated 5-11-33 (copy submitted along with my memorial dated 23-9-34) and I ought to have been ordere to rejoin the same post immediately after the succesful - ~~consultation~~ completion of my training course instead of depriving me of my appointment . I ought to ~~had~~ have been given prefer nce to my juniors . I should have been appointed at least according to the rotation fixed by the committee at the time of my selection But the Assistant Director wrongly interprets and wrongly appli the rules , only to i sist that he has not done an injustice to me . The Assistant Director do not observe that I am sending a memorial to get back the appointment I was holding from 1928.

9. My petition dated 7-10-1933 and 5-11-33 were delayed for over 10 months inspite of a lot of reminders prodely with the object of saying in the long run , that I am over aged after 30 years Therefore I pray to reinstate me before 10th January 1935, when I complete the 30th birth day.

10. I am a poor subordinate , ignorant of these complicated

complicated rules . After all it is not very difficult for the Assistant Director to confuse me by applying them against me and interpret them in different ways and meaning at different times.

// But these rules were brought in by Government to bring about equality and justice among the subordinates what ever the rules may be the Assistant Director has done a clear injustice to me by not appointing me and keeping me unemployed.

12. There fore I most humbly to intercede on behalf of a poor helpless teacher and appoint me at an early date , restoring all my loss , for which act of kindness and generosity, I shall ever remain grateful to you.

I beg to remain

Sir,

Your Most Obedient Servant.

Udyavar
Dated 17.10.34

Fernandes

Copy submitted to the Director of Fisheries, Madras.

H.M.M. 3. 19-11-34 48

Dev. 4203-II
20-11-34.
Dev Deptt.

From,

L. Fernandez

Udyavar Post., South Kanara.

To,

The Devehopement Minister,

M a d r as

Sir,

In continuance of my memorials dated 23-9-34 and 5-10-34 I most humbly beg to submit as follows:-

2. I was appointed as a teacher in a Fisheries School first on 23-7-1928, and therefore I was admitted to Fisheries Service on 23-7-1928. Later on I passed all the Departmental Tests, i.e., Training Examinations , with a view of improving the scale of pay and prospects of the appointment I was holding from 23-7-1928 These Departmental Tests, i.e., Training Examinations not with a view of getting an appointment apart from the appointment I was hoding from 23-7-1928 as wrongly interpreted by the Assistant Director . I cannot be said to be appointed at any time after ~~23-7~~ 23-7-1928. Therefore the rules and scale of pay that was in force in 1928 only, are applicable to me The new rules and the new scale of pay that might have been brought in force any time after 1928, cannot be applied to me

3. Further under no circumstances can be ~~xxxxxx~~ teachers mentioned in para 14 of my petition dated 5-11-1933 (Copy submitted ~~with my~~ along with my memorial dated 23-9-34) can be seniors to me. The Assistant Director wrongly iterprets that K.A. Thingalaya, a teacher mentioned in para 4 of my petition dated 5-11-33 (Copy submitted along with my memorial dated 23-9-34) is also senior to me inspite of the fact he was appointed in a Fisheries School only on 23-3-1931. At this rate the teachers mentioned in para 14 of my petition dated 5-11-33 (Copy submitted on 23-9-34) inspite of the fact that the former were appointed in the Fisheries school in the year 1927 and latter in 1933 because all these completed the final years' training together in the year 1933 and appointed there after.

P.T.O.

4. The teachers mentioned in para 14 of my petition dated 5-11-33 (Copy submitted on 23-9-33) were able to undergo the final year's (Third year's) training with me because they were sent up for the third year's training immediately after ~~this~~ the second year's training . But I was delayed by the Department for sixteen - months . This delay is made for the convinience of the Department It was no fault of mine . I was prepared to undergo the third year's training in the year 1931 immediately after my second year's training . Therefore these teachers cannot be seniors to me and the succesful completion of the third year's course - cannot deprive me of the appointment , I was holding from 23-7-28

5. In all the Government Departments the service is counted not from the date of passing the Departmental Tests but from the date of joining appointment first. Therefore it is clear that I was admitted to Service from 23-7-28 and not at any time after 1928.

6. Moreover immediately after my second year's training only I became a certified trained teacher eligible for the scale of pay for which I was selected by the comittee . This was allowed to all the South Kanara trained teachers both in the Education and Fisheries Departments. Therefore the Assistant Director could have very well exempted me from the third year's course as it was done to many South Kanara Fisheries teachers because the Department could not take me up for the third year's course immediately after my second year's course in 1931. If I was taken up for ~~thexthixd~~ for the third year's course for which I was prepared immediately after the second year's course I would have been able to complete my third year's training also by 1932. In that case the teachers mentioned in para 14 of my petition dated 5-11-1933(Copy submitted on 23-9-34) could not have been seniors to me and could not have been appointed in preference to me

7. Further the Assistant Director went on saying I was a probationer, that I was not confirmed and that my probation was extended. But when I proved that my probation was completed satisfactorily the Assistant Director took to completely a new rule , and said that I was not a probationer . But to M.M. Padiar a candidate

a candidate belonging to my batch the Assistant Director granted increment . If any Fundamental or Subordinate Service Rules existed then they should have been applied to this teacher also As he was granted increment , I too ought to ~~had~~ have been granted increment . The Assistant Director erred in with-holding my hard earned increment . In fact I ~~derve~~ deserve increment from 23-7-1929, as I pray in my petition dated 7-10-1933(Copy submitted along with my memorial dated 23-9-34).

8. The Assistant Director applied the last rule to me and said I was not a probationer to say in the long run I have no right to appeal and thus prevent me from representing to the Government the injustice done to me by depriving me of my appointment . By saying that I was not a probationer and that I have no right to appeal, the Assistant Director wrongly interprets that I am a new candidate applying for a new post. The Assistant Director forgets that I was in continuous service from 23-7-1928 to - 20-6-1933 for about five long years. Even the very previous day of my joining the Fisheries Training Institute, Calicut , I was on service as a trained teacher , unlike the teachers mentioned in para 14 of my petition dated 5-11-33 (copy submitted along with my memorial dated 23-9-34) and I ought to have been ordered to rejoin the same post immediately after the succesful - ~~consultation~~ completion of my training course instead of dpriving me of my appointment . I ought to ~~had~~ have been given preference to my juniors . I should have been appointed at least according to the rotation fixed by the committee at the time of my selection. But the Assistant Director wrongly interprets and wrongly applies the rules , only to insist that he has not done an injustice to me . The Assistant Director do not observe that I am sending a memorial to get back the appointment I was holding from 1928.

9. My petition dated 7-10-1933 and 5-11-33 were delayed for over 10 months inspite of a lot of reminders probably with the object of saying in the long run , that I am over-aged after 30 years . Therefore I pray to reinstate me before 10th January 1935, when I complete the 30th birth day.

I am a poor subordinate , ignorant of these complicated

complicated rules . After all it is not very difficult for the Assistant Director to confuse me by applying them against me and interpret them in different ways and meanings at different times.

10 But these rules were brought in by Government to bring about equality and justice among the subordinates what ever the rules may be the Assistant Director has done a clear injustice to me by not appointing me and keeping me unemployed.

11. There fore I most humbly pray to intercede on behalf of a poor helpless teacher and appoint me at an early date , restoring all my loss , for which act of kindness and generosity, I shall ever remain grateful to you,

I beg to remain

Sir,

Your Most Obedient Servant.

Udyavar
Dated 17-10-1934.

Fernandes

Copy submitted to the Director of Fisheries, Madras.

N.B : Continued on next page.

P.T.O

52 51 5[illegible]

12. The Assistant Director's actions are not clear . Therefore I had to touch upon so many points in my differnat petitions Now I gather that the whole questions of my appointment centre round the Fisheries Subordinate Service Rule 6, first mentioned in the Assistant Director's memo L.Dis 2251-M/33 dated 11-6-1933 (copy submitted on 23-9-34) and then repeated by the Director in his memo No. 2271-C/33-3 dated 9-10-33 (copy submitted on 23-9-34 when I appealed.

p.16 supra

p. 19 supra

13. By the above mentioned Subordinate Service Rule 6 the Assistant - Director holds that Service prior to 3rd year's training cannot be considered as Fisheries Service and therefore such a teacher has no ~~xxxxxxity~~.seniority. By this. the Assistant Directo also mentions that if a teacher does not complete his third year's training before he is 30 years of age he cannot be admitted to, Fisheries School because of his overage. In the following paras I am going to show that all the South Kanara Fisheries teachers were admitted to Fisheries Service even before they underwent the third years' training . This was allowed to such teachers that could not be sent for the third year's training immediately after the 2nd year's training and were appointed in Fisheries schools . Unlike Malabar teachers South kanara ~~xxxxxxx~~ Fisheries teacners were treated as trained Fisheries teachers even when ~~xxx~~ they passed the second year's training and appointed thereafter. Because these teachers were admitted to Fisheries Service - immediately after the Fisheries training the Assistant Director was able to appoint such teachers even though they were more than 30 years of age when they completed the 3rd year's training. Because these teachers were admitted to Fisheries Service prior to the third year's training , the Assistant Director was able to draw increments even for the service prior to the third year's training

14. Now the Assistant Director in his endorsement N.Dis, No. 1192-F/34 dated 22-2-34 (copy submitted on 23-9-34) condemns me for mentioning the case of other teachers of South Kanara . The Assistant Director from the very begining was armed with 2 rules and applied 2 rules for the same item and subject . When I -

p. 22 supra

53 6 42 82

When I explained that the first rule is not applicable to me the Assistant Director completely dropped it and applied a second one Now to explain that both these rules are irrelevent and cannot be applied to me, I am compelled to give concrete instances . For ~~x~~ example when I applied for increment on 22-6-32, the Assistant Director said in his memo (copy submitted on 23-9-34) that the Fundamental rules do not provide to sanction increment to a - probationer . But when I proved that M.M. Padiar , a candidate of my batch was granted increment and that therefore I too deserve it , the Assistant Director completely dropped the Fundamental rule and applied some Subordinate Service Rule . But neither the Fundamental or the Subordinate Service Rule was applied to ~~mx~~ M.M. Padiar or any other South Kanara teacher prior to us . By this I proved that both the Fundamental and Subordinate Service Rules are not applied to me .

15. Then again the Assistant Director went on saying in 2 - memos (copies submitted on 23-9-34) that my probation was extended even from 7-3-33. But when I proved that my probation was satisf- actorily completed the Assistant Director completely dropped the question of my probation which he raised of his own accord and ~~x~~ held up the Subordinate Service Rule 6. But in reality the Sub- ordinate Service Rule 6 is not applicable to me or to ~~mey~~ any batch or any teacher trained prior to me . This is applicable only such a South Kanara teacher that underwent the 3rd year's course also in continuation of the second year's training . No teacher of my batch or any teacher prior to my batch has undergone the 3rd year's training in continuation of the second year's training . There fore ~~this~~ rule is not applicable to any of us who have not undergone the third year's training course in continuation of the ~~second~~ second year's course.

16. Under these and such - like circumstances I am compelled to mention the cases of others in order to make my statement clear. I do not thereby bring in irrelevent matter or cases. I also do not mention special, or irrelevent or cases of teachers that do not belong to my batch. Therefore I humbly pray to allow me to. mention relevent cases in order to explain myself more clearly. By mentioning the following cases I beg to explain and prove -

7-47 5354

and prove that all South Kanara teachers that belong to my batch or prior to my batch were admitted to Fisheries Service even prior to the 3rd year's training and were appointed according to seniority. Therefore I pray that I too was admitted to Fisheries Service prior to my third year's training and ought to had been appointed according to my seniority.

17. i) ~~Kxxxx~~U. Krishnappa , ii) A. Subba. iii) B. Krishna. iv) B. Muthappa. v) Myself (L. Fernandes). vi) M.M.Padiar vii) M.A. Thingalaya. viii) T. Muthappa. ix) Thainiappa) x) Menkon were the ten of us who completed the second year's Fisheries - training long before 1931 and were appointed in Fisheries schools.

18. But(i) A Veerappa, ii) B. Muddayya. iii) Indira Bai iv) Chandaya Saliyan completed the second year's training in the year 1932, yet the former ten of us and the latter 4 were sent up, for 3rd year's training together. All the ten of us were appointed in Fisheries schools after second year's training . In this way the latter four teachers of South Kanara were the only ones that were sent up for third year's course immediately after the second year's course and therefore Subordinate Service Rule 6 was applicable only to those four teachers.

19. Now when all the 14 of us completed the third year's course in the year 1933, the Assistant Director wrongly said that he - passed the appointment order in view of the Subordinate Service Rule6. This Subordinate Service Rule 6 clearly says that service prior to 3rd year's training is no Fisheries Service . There fore one could not have any claim on seniority. So all the 14 of us , according to that Rule 6, were equal. With this interpretation the Assistant Director appointed only 12 out of the 14 teachers . The remaining 2 myself and another teacher he said no vacancies. The Assistant Director even appointed i) A.Veerappa, ii) B. Muddayya iii) Indira Bai and later on - Chandayya Saliyan also for some time . I have shown above that all these teachers are much juniors to me . But when the Assistant Director said he had made the appointments in view of the rule 6 one has no seniority . The Assistant Director did not take pity that I had to ~~xxxx~~ lose my appointment I was holding since 1928 without any break in the middle when he enforced this rule in this way . Even if there was a strict Rule like this the Assistant

55 8 Feb 56

Assistant Director ought to had considered my long seniority and ought to had ordered me to rejoin the appointment I was holding prior to my third year's training . In this way too harshly and mercilessly I was kept back even till today and my juniors were appointed.

20. The Assistant Director said that I had to lose my appoint ment owing to the Rule 6. Now if the same Rule 6 was applied to all the ten teachers the Assistant Director could not have/~~drawn~~ drawn increment to i) U. Krishnappa, ii) A. Subba. iii) B. Krishna. iv) B. Muthappa. v) M.M.Padiar. 6) T. Muthappa. 7) Thaniappa. 8) Menkon, immediately after/~~this~~/their new appointments for the service prior to 3rd year's training . Drawing increment for the Service prior to the third year's training means considering that period as Fisheries Service. In that case the Assistant Director never applied Subordinate Service Rule 6 to any of these teachers . All these were given their seniority. Therefore this Rule 6 is also not applicable to me. Therefore the Assistant Director ought to had appointed me - according to my seniority. Even M.M. Padiar a teacher of my batch , in both the trainings , has been paid increment for the servtee prior to the third year's training . There fore from these instances it is proved beyond doubt that I was - admitted to Fisheries Service even prior to ~~my~~ my 3rd year's training . The Assistant Director could not have appointed i) A. Veerappa ii) Muddayya iii) Indira Bai iv) Chandayya Saliyan . // B. Muddays who is now also serving in the Fisheries Department was entertained first as an untrained teacher only in the year 1930. I was entertained in ~~the~~ 1928. He was never appointed after his second year's training but I was - appointed in the year 1931 after my second year's training . There fore it is clear that if Rule 6 was not applied there were enough of vacancies to entertain ~~me~~ me . I should have been appointed one of the above mentioned vacancies given to my juniors.

21. U . Krishnappa and A. Subba were more than 30 years of age when they completed the 3rd year's training . If these

. P,T.O.

grateful to you and shall discharge my duties to the entire satisfaction of my superiors. If I have not explained properly that the Asst. Director has done an injustice to me by depriving me of my appointment and made me suffer un-necessarily loss, I am prepared to explain it still further. If I have not proved clearly any of the points, I am also prepared to appear before the -- Honourable Minister or any other Officer in person to explain them sufficiently well.

L Fernandes

59

Govt. College , Mangalore.

6th June 1931.

Mr. L. Fernandes was a student of the Government - Secondary Training School during the years 1929-30 and 1930-31. I had something to do with the course of Instruction in the Training Department and I am happy to be able to say that I have always found Mr. Fernandes tô be manly, capable and dutiful in thought , word and deed. I shall be glad if his many excellen qualities of head and heart meet with their proper reward at the hands of the Department wherein he has chosen to work.

Sd/ K. Venkat Rao, M.A.L.T.

Lecturer Govt. College Mangalore

60

M.S. Sreshta M.L.C. Bar-at-law,
C.C.S. (Retired).

Ingledon,
Kankanady P.O. (S.K.)

I have much pleasure in certifying that I know Mr. L. Fernades personally and that his character and conduct are good . He is an intelligent young man with considerable energy and capacity for work. He jas besides a strong constitution and is well built.

Sd/ M.S.Sreshta.
21-8-1933.

Dev. 64 Des. 443-II
1-2-35

From

L. Fernandes,
Udyavara P. O.,
S. Kanara Dist.

To

The Honourable Minister,
Development Department,
Fort St. George,
MADRAS.

Sir,

19.1-b and 44-47 Supra

In continuation of my memorials dated 23- 9- 1934 and 17- 10- 1934, I most humbly beg to explain and represent for redress a most glaring injustice done to me by the Assistant Director of Fisheries, Calicut, and how I was cut at the very root of all my prosperity and progress by postphoning my third year's training for no fault of mine which in the long run enabled the Assistant Director to apply the subordinate service rules to me and overlook my seniourity in srvice, depriving me of the appointment I was holding from 1928 and appoint my juniours in my place.'

1, 5 Supra

2. In the Office order No.5269-F/31 dated 17- 7- 1932 (copy enclosed) the Assistant Director orders 14 teachers to undergo the third years training. Of these the 9th (myself) was not appointed at the completion of the 3rd years training on the reason that there is no vacancy. All the remaining 13 were appointed.

3. The teachers from 1 to 10 had passed Mangalore training prior to March 1931 and had worked in the Fisheries Schools. The candidates from 11 to 14 were ~~were~~ pupil teachers fresh from the training school and who passed Mangalore training only in 1932. This fact alone explains that the teachers from 1 to 10 are seniors to teachers 11 to 14.

4. Now I who belong to the batch of teachers from 1 to 10 paased my Mangalore training in March 1931. If I was sent up for the third years training immediately after my second years training I would have completed my third years training also by march 1932.

[illegible]

[illegible]

[illegible]

would have been a period of probation of ~~a~~ a fully qualified Fisheries teacher. Now because my 3rd years training was postponed I had to lose my seniority appointment and also probationery period. In this way even if the Subordinate Service rules were applied to me I would have completed my probation before March 1933 and the teachers from 11 to 14 could not have been appionted in my place. In short neither the Subordinate Service rule or any other stricter rule could have prejudiced my appiontment or prob. if my 3rd Yrs. training was not delayed. Here again there is a breach of contract.

2. In this way by postponing my 3rd. Yrs. Training for 16 Months and making me undergo the Third Year's training with the 4 pupil teach rs from 11 to 14, the Asst. Director applied the subordinate service rules and declare all my five years service null and void, and said I had no seniority. Thus the Asst. Director makes me a new applicant equal to any other ordinary condidate fresh from a school or college. In this manner in the above said Endt. N.Dis. No.* 1192-F/34 Dated 22-2-34 the Asst. Director brings in one more new rule and says I have no right to appeal if the appointing authority fails to appiont an applicant to the post for which he applies. This means even if the Asst. Director goes on appointing my juniors and keeps me unemployed for years and years together I have no right to appeal. I had already waited for over an year and a half, and I do not know when the Asst. Director takes pity on me and appionts.

3 In ths same above said Endt. N.Dis.No.1192-f/34 dated 22-2-34 the Asst. Director says there is no Vacancy to entertain me. This is inaccurate. In the first chapter I have clearly explained that no more additional vacancy was required for me if I was ordered to rejoin my appiontment i was holding prior to my third years training. This appiontment is given to Mr. Ail Varappa my junior. Even B. Murda is my juinor and I could have been appointed in his place at least. If the appiontments were according to merits and marks in the Exam. I stand foremost of all the 14 teachers.

4 In the first chapter I explained that 14 candidates appeared for the 3rd years Exam. and of these 13 were appointed. Now of these

-6- 65

teachers has written in my T.T.S.I.C book that all 16 months service was satisfactory. I am prepared to submit this certificate if ordered. More about my service may be referred to my petition addressed to the director of fisheries dated 7-9-33 (copy submitted on 2-1-34). In spite of this the Assistant Director didnot grant me the increment which I so richly deserved. The reason for withholding it was also not intimated to me. It was after over one year the Assistant Director said that increment ~~income~~ was not sanctioned because of unsatisfactory service. The Assistant Director erred in withholding my increment on this ground specially because the Deputy Inspector and all the other officers of the educational Department spoke highly of my service. Just as a sick person in the fisheries dept is examined by a medical officer, a trained teacher's service in the fisheries school is properly examined by the Deputy Inspector of Schools. It is for this reason the Deputy Inspectors are sent to fisheries schools for Inspection. Therefore the Asst. Director's remark about my service was only an excuse for wrongly extending my probation and withholding increment. The Assist Director could withheld my increment only for my misbehaviour and such like things, when my service was good But there was no such charge against me and therefore I may be granted my increment.

3 The Asst. Director in his D. Dis 270-m/32 dated 27-4-32 extended my probation of his accord. After another year in his memo No.483-m/32 dated 7-4-33 he once again extend the probation The reason for so doing was not intimated to me both the times Further according to the rules the Asst. Director could not extend the probation. If the probationer is found unsuitable his service should be dispensed with within the period of the probation. If this is not done the probationer is deemed to have completed his probation if he is retained in service even after his period of probation. Even as a trained teacher I worked in the fisheries school for 1 year and 4 months more than the probationary period and therefore my probation was deemed to have been completed even according to this rule.

to Sub

Then again the Asst. Director extends my probation even on 7-3-33. This shows that there is nothing detrement l to my service up to 7-3-33 (two years trained teachers fisheries service) If at all anything bad to me had happened it must be in the period between 7-3-33 and 11-6-33 because in the appointment order of 11-6-33 my name was missing. The fact that the Asst. Director has not asked any explanation for me in this period and not even discharged or relieved me from the appointment I held from 1928 explains that there was nothing wrong on my part. Thus according to the memo No. 4820 dated 7-3-33 of the Asst. Director I was on probation up to 26-3-34 and then my probation deemed to have been completed according to the rules. Therefore all this period of unemployment may be treated as service

V

1. In the Madras Fisheries Sub. Service special rule 5 Sub rule 3 in page 62 it is said as follows:--

"This has effect on and from 1st June 1931. Provided that in the absence of a candidate folding the prescribed certificate of the Government Fisheries Training Institute Calicut a person holding a trained teacher's certificate of the grade prescribed and if no such person is available a teacher with lower training qualification or an untrained teacher may be appointed for a period or periods not ~~exceeding~~ exceeding 6 months altogether but a person so appointed shall not be regarded as a candidate selected for admission to the service".

2. According to this rule the untrained and trained teachers appointed prior to 1st June 1931 were admitted to fisheries service. The teachers appointed after that date are not admitted to fisheries service. Now my first appointment as an untrained teacher was on 23-28 and I rejoined my appointment after Mangalore Training 6-3-31. Thus both these dates are prior to 1st June 1931 and therefore at both the times I was admitted to fisheries service. The subordinate service has no effect on me

3. The Asst Director in his Endt. dated 2[illegible]-3-34 copy submitted

Sir that my service prior to the 3rd Year's service was no fisheries service , that I had no seniority, that I had loose my appointment because of the subordinate service rules and that I was , new applicat for a pos , etc , Now I pray to explain that this is anincorrect interpretation. The following rules explain that the subordinate service rules in no way harms my seniority probation or appointment.

4. In the G.O. NO. M.S. 1065 dated 28th July 1934 issued to Menkan Muthappa and Thanyappa it is laid down that before the issue of the subordinate service rules there was no restriction as regards employment of men not trained in Fisheries Trainin Institiute and the provisions there made laying down qualifications for teachers post are applicable only to candidates seeking admission to the service after the issue of the rule

5. In the special rules applicable to all services chapter II. No.3 G.O. No.1386 public service dated 23th Oct. 32 explains that the subordinate service rule shall not operate to deprive a person ary privelege enjoyed by him prior to the making of the rules

6. The General Rule G.O. NO. 188 public service dated 10th Feb. 1908 lays down that when a body like Fisheries Committee selects a person for a certain course prior to the issue of the rules, the new or additional qualifications imposed by the subordinate service rule has no effect.

7. Now I was selected and admitted for training by the Fisheries Committee in July 1929 on the same contract long before the existence or enforcement (enfoced from 27th May 1930) of the fisheries subordinate service rules just like Muthappa and 2 others mentioned in the G.O. M.S.1065 dated 28th July 34. As this and the above mentioned other G.O. do not impose additional qualification of 3rd year training, My 3rd year's training period may be counted for service as otherwise it results in a breach of contract

8. Therefore I most humbly pray that I may not be made to suffer

8. 48

suf er for no fault on my part I do not grudge to undergo punishment if I am guilty. The Asst. Director only played with the rules upholding one for sometime and another for sometime and finally my appointment was sacrified for which I had undertaken all pains to pass long courses of training. I was deprived of my appointment when I was able to stand on my own legs and earn my daily bread. I got myself fully qualified for the profession in the prime of my youth and it is very hard for me to take to someother proffession at present.

9. Therefore I once again most humbly beg to consider my humble memorial favourably and order me to rejoin my appointment I was holding prior to my 3rd Year's training. If I have not explained any of the points sufficiently well I am prepared to appear before any officer for the purpose at my expense, and represent how richly I deserve to be ordered to rejoin my appointment.

Nagavar
28th Jan. 35

I beg to remain,

Sir,

Your Most Obedient Servant,

L Fernandes

Copy submitted to the Director of Fisheries Madras to forwarded to the Hon'ble Minister for Development Department Madras.

No. 5269-F/31

Govt. Fisheries Office,
Calicut, 17-7-32.

OFFICE ORDER.

Sub:- Establishment - South Kanara Fisheries trained teachers - 3rd year's training at the Fisheries Training-Institute, Calicut

---

The following persons are requested to join the Fisheries Training Institute, Calicut on the forenoon of 1-8-1932 for undergoing the final year course there.

1.	Manjunatha Padayar -	Asst. teacher -	Byndoor.
2.	A.Subba	do -	Kirimanjeshwar.
3.	B.Muthappa -	do -	Navunda.
4.	U. Thaniappa -	do -	Kodi.
5.	B. Krishna -	do -	Malpe
6.	K. M. Menakan -	do -	Malpe
7.	T.Muthappa -	Headmaster -	Malpe.
8.	Anatha Thingalaya -	Asst. teacher	Polippu.
9.	Ligory Fernandez -	do -	Srignanodaya.
10.	U. Krishnappa -	Headmaster -	Sandspit.
11.	Indra Bai-	Pupil teachers not employed but awaiting 3rd year's course at the Fisheries Training-Institute.	
12.	U. Chandayya .		
13.	B. Kudda -		
14.	Ail Veerappa -		

Orders posting substitutes for the relief of teachers 1 to 10 will be issued separately. The Headmasters are requested to relieve the teachers sufficiently early to enable them to join the Fisheries Training Institute on 1-8-32 (forenoon)

for Asst. Director of Fisheries(Coast)

C.P.A. 18/7.

To

The Individuals conerened.

Copy to the Headmasters , Byndoor, Kirimanjeshwar, Navunda, Kodi, Malpe, Polippu, Srignanodaya, Sandspit.

Copy to the Inspector of Fisheries, Mangalore.

Copy to accountant.

Extra.

20.7.32

Relieved Legowry Fernandes assistant teacher Srignanodaya Govt. Fisheries School today at 4.30 P.M.

Head master.

ASSISTANT SECRETARY TO GOVERNMENT
1-FEB 1935
DEVELOPMENT DEPARTMENT

10 Dev. 1624-I
11/5/35 9.5.35.

C.F. 30.

Fisheries **DEPARTMENT.**

Received ..... 19 *Registered* ..... 19 .

Subject.

Establishment - Fisheries Schools - Petition from Ligoury Fernandez.

Enclosures.
No. .....
.....
Spare copies .....

No. 2970-C/34-1.

Station Madras., *Dated the* 27th April 1935.

From (Name) Dr. B. Sundara Raj, M.A., Ph.D.,

(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,

Development Department.

Sir,

I have the honour to submit herewith copies of petitions dated 23rd September 1934, 17th October 1934 and 28th January 1935 from L.Fernandez addressed to the Hon'ble Minister for Development together with a copy of letter from the Assistant Director (Coast) commenting on the several points raised in the petitions dated 23rd September 1934 and 17th October 1934. The petition of 28th January 1935 does not appear to contain any fresh points. The petitions should have been sent through the proper channel.

2. The main grievance of the petitioner seems to be that since he was given training by the Department he should have been employed before others who underwent training subsequent to him, for employment. The petitioner quotes G.O.No.1065 Development dated 28th July 1934 in support. The teachers Muthappa and Thaniappa whose case was disposed of in the G.O. referred to above had undergone ordinary training and had put in qualifying service as trained teachers before the Statutory rules were issued. Therefore they are outside the scope of the rules. Their case does not seem to be similar to that of the petitioner because the latter had no service as trained teacher prior to the issue of the rules, though it is a fact that he was selected by the Selection Committee for Fisheries training in July 1929 just prior to the issue of the Rules.

3. Fernandez was appointed as an untrained teacher in a Fisheries School in July 1928 and ~~Kept~~ put ~~Kept~~ in one year's service i.e., before the issue of the Statutory Rules in September 1929 for the Fisheries Subordinate Service. The only point which seems to deserve consideration is whether this appointment and service will entitle him to the claim that the rules issued on 24th September 1929 and subsequently should not operate adversely and deprive him of the rights or privileges to which he was entitled by any rule or order applicable to him prior to the issue of these rules. At the time of his first appointment Fernandez was higher elementary untrained and was therefore paid Rs.20/- per mensem ~~x~~ the pay fixed for such teachers in G.O. No.132 Development dated 24th January 1924. Some of the untrained teachers appointed before the issue of the

72

-3-

Statutory Rules are continuing in service even now under orders in G.O.No.1160 Mis. Development dated 27th August 1932.

I have the honour to be,

Sir,

Your most obedient servant,

A. Daniel

for Director of Fisheries.

4.5.31

4/5/31

Encl: 3.

98

73

Copy of letter No. 7135 F/34 dated 3rd February 1935 from the Assistant Director (Coast), Calicut.

Sub: Education - Establishment - L. Fernandez - petition.

I delayed replying to the reference because I wanted to go to Mangalore and find out from the offices of the District Educational Council and the District Educational Officer, South Kanara, the circumstances in which the Udayavar school happened to be started by the petitioner and subsequently bifucated into a Fisheries and a Girls' school which led to the District Educational Council refusing to grant recognition for the Fisheries school. As you seem to press for a reply I am submitting my remarks without doing so especially since ~~since~~ the petition does not seem to deserve that importance.

2. I submit below my remarks seriatim on the points raised by the petitioner L. Fernandez.

Paragraph3. The petitioner's reference to there having been a full quorum when he was selected for training by the Selection Committee seems to show that he is under the impression that once he was selected by the Committee for undergoing training, he acquired a claim to appointment as a teacher. This impression is altogether wrong.

Paragraph 5. The statement that I did the petitioner a wrong by giving him a pay of Rs. 25--50 instead of Rs. 35--60 is unfounded. There was, and there is, no post in any Kanarese school under this department on pay of Rs. 35--60 and therefore he could not ~~also~~ be appointed to such a post even if he were qualified.

Paragraphs 7 and 25. On the completion of his third year's training at Calicut the petitioner was not appointed because his/character and his previous record were not satisfactory and there were better men available. When he was employed in the Fisheries school at Udiavar, the Inspector suspected that he was making false entries in the attendance registers. He was

found guilty of committing certain postal frauds and of threatening the Postmaster, who detected them, so that the Police had to give him a warning. In connection with a vacancy in the Fisheries Training Institute he was suspected of having forged another person's name in an application. While he was undergoing training in the Fisheries Training Institute he was also suspected of having forged the signature of Mr. B.M. Thingalaya, a prominent member of the fishing community at Mangalore in a letter supposed to have been written by him to Mr. Sreshta, M.L.C. The Inspector of Fisheries, Mangalore, under whom he worked and the Headmaster, Fisheries Training Institute, reported adversely about his general character. The petitioner's statement that if he wanted to "discontinue his service", i.e. refuse to serve in the department when he was asked to do so, he would have had to refund the stipend paid to him, is correct. But that does not give him any right to be appointed in the department any more than innumerable others who like the petitioner have undergone training at Government expense and are without jobs.

Paragraphs 8 to 12 and 15. It is ture that in my orders dated 27-4-32, 22-6-32 and 7-3-33 dealing with the extension of the probation of the petitioner, I regarded the petitioner as a probationer. This was the usual practice at the time. But in 1933 a doubt arose whether Fisheries stipendiary students who had completed only the two years' training at Mangalore could be regarded as probationers with reference to para 6 of the Fisheries Subordinate Service Rules. A strict interpretation of the rules seemed to exclude all who did not possess the Fisheries Training Institute Certificate from being considered probationers. Hence the petitioner was informed that he could not be regarded as a probationer. To clear doubts on this point a reference was made both to you and the Madras Service Commission and the replies received ffom both confirmed my opinion that pupil teachers who

did not possess the Trained Teacher's Certificate of the Fisheries Training Institute could not be regarded as probationers.

Paragraph 13. The petitioner's increment was not given because his record of work as reported by the Inspector of Fisheries, Mangalore, in his letter No. 202/32 dated 22-4-32, was bad. There was no secrecy about this. It is absurd to contend that the petitioner did not know why his probation was extended. The petitioner could have understood that his record was not considered satisfactory.

Paragraph 14: The petitioner has a high idea of his own merits which unfortunately is not shared by his immediate superiors. The reports of the Inspector of Fisheries, Mangalore, under whom he served have been consistently unfavourable. The verification of his service by the Deputy Inspector of Schools is not a guarantee of good conduct. It merely shows that the period will count for purposes of the bond. The petitioner seem to regard his deputation to the Fisheries Training Institute to undergo the third year's training as a sort of testimonial to his character. The Kanarese students are selected for a thre year's course of training by the Selection Committee and I have no power to prevent a student selected by the Committee from proceeding for the third year's training. That his previous work was unsatisfactory is proved by his probation having been extended. The statement that he raised the Fisheries school in which he worked to a high level of excellence is absolutely false The Headmaster of the school in which he served as well as the Inspector of Fisheries reported that he was not showing sufficien interest in his school work. His statement in this petition and elsewhere that on account of his good work, this school received prizes while he was employed there and did not receive any prize before or after that year is mere bluff. This prize-giving is not an annual function. In that particular year an

an educational exhibition happened to be held at Mangalore at which this Fisheries school was awarded some second class prizes. No prizes were secured before or after because no such exhibitions were held.

Paragraphs 16 to 24: The rules do not provide for an appeal where the appointing authority fails to appoint an applicant for a post for which he applies. The appeals of Muthappa, Thaniappa, Menkan and Shetty referred to in paras 22 and 23 involved questions of general principles, which had to be decided by Government, and were not, like that of Fernandez, complaints against the appointing authority (be) disappointed candidates who had failed to secure jobs. When I received the petition referred to in para 17 I was not aware that the Director was in communication with the petitioner and that the petition was sent under instructions from the Director. That I was correct in returning the petition with an endorsement that Fernandez had no right of appeal is clear from the Director's own orders in his proceedings No. 1283 C/34-3 dated 14-8-34. The Selection Committee do not specify that any particular rate of pay should be given to the candidates selected by them, since that is not their business. As pointed out above there was never any possibility of appointing the petitioner on Rs. 35--60.

3. The petition and the enclosures received in original are resubmitted.

k. v.

From

L. Fernandes,
Koyavar P.O., S. Canara.

2990 C/34
21.5.35

Thro' The Director of Fisheries,
Madras.

To The Honourable Minister
Development Department, Madras.

Sir, I most humbly beg to remind that I have not yet received any reply to my memorials dated 23-9-1934 and two others submitted in continuation. It is now nearly eight months and this long delay is very much detrimental to me.

I have quite clearly explained in my memorial that messrs. Muddaya and Hil Veerappa are juniors to me and that I should have been appointed. Both these teachers are drawing even today the new Scale of pay. Because these undergone the third year's training along with me, both the cannot be treated as equal in service to, as wrongly interpreted by the Asst. Director. I was forced to undergo the third year's training at a later Stage along with muddaya and Veerappa and it is the fault on the part of the Department. This cannot harm my Seniority in any shape.

messrs. R. A. Mungaloya and M. M. Padyar who under went the training courses and were also appointed along with me, are equal in Service to me and these are drawing the old Scale of pay even today. This fact alone shows that I was senior to messrs. Muddaya & Hil Veerappa and that I was admitted to Fisheries Service long long ago along with R. A. Mungaloya and M. M. Padyar and that the new rules have no effect on me (Vide last Chapter of my memorial dated 28-1-1935

Further if I declined to work in the Fisheries Department undergoing the training courses at the expense of the Department, the Asst. Director would have taken immediate action against me for the recovery of damages. Now the Asst. Director himself due to his own carelessness or oversight, has failed to appoint me and wrongly appointed in my place my juniors upholding some or other incorrect interpretation of some or other Rule. Therefore I pray the Government again and over again to request the Asst. Director to make up the loss to me and restore my appointment at an early date.

Further the Asst. Director erred in not relieving me or discharging me from the Department and therefore I am forced to keep myself unemployed all these days.

I represented all these grievances to the Director of Fisheries when I appealed. But the Director blindly adopted the orders of the Asst. Director for reply and never cared to go through my grievances

Therefore I once again pray the Govt. to take immediate action in the matter and redress my grievances. If I have not well impressed, the Government, in my memorials the seriousness of the affair and the great harm and injustice done to me by the Asst. Director, I am prepared to represent all these in person at any place, at my own personal expense

I beg to remain sir,
Sir,
Your most Obedient Servant
L Armando

Nagarcoil. 6.
5-5-1935

Copy Submitted to the Honourable Minister Development Dept. Madras

Rev. 1871-II/35
4.6.35.

4-JUN1935
DEVELOPMENT DEPARTMENT

Department of Fisheries, Madras,

Dated: 1st June 1935.

Endt.2970 C/34-5 dated 1st June 1935.

Submitted.

2. My remarks on the petitions referred to are contained in my letter No.2970 C/34-4 dated 27-4-35.

A. Dewan 1.6.35
for Director of Fisheries.

To

The Secretary to Government of Madras,
Development Department, Madras.

HK/1-6.

Dev. Dept.

To Under Secy

The main file has been sent to the Pub(Ser) Dept. for remarks with Dev no. 16241-II/35-1 dated 27.5.35. This may also be forwarded to that Dept with the request that the main file may be returned with their remarks as early as possible.

S.A. 8.6.35.

Please. 10/6/35

Public (Services) Dept.

Dev no 1871-II/35-1
10.6.35

ASSISTANT SECRETARY TO GOVT.
12 JUN1935
DEVELOPMENT DEPT.

15069A

17/6

A.D. 11/6

Pub(Sn) Deptt

The main file referred to overleaf is being sent back to Dev. with this Deptt. U.O no. 13914-I dt 15.6.35. This may be returned to that Deptt.

15.6.35

15/6/35

Public Dy is 1569 A-1

17-6-1935

Dev. U.O. 2017-II

18.6.35

D/P 70-N/CF. [From the Dir of Fisheries No 2970.C/34.1 dated 27.4.55]

To Undersecy.

I have the letter from the Dir of Fisheries at pages 70-72 CF. forwarding his remarks on the petition of Clerk Fisheries Teacher L. Fernandez.

2. L. Fernandez is the holder of a S.S.L.C. He was appointed as an untrained teacher on Rs 20 p.m. from 23.7.1928 to 19.7.1929 in the Mangalore Fisheries School. Having been selected by the Selection Committee, he underwent Secondary Teachers' Training for two years from 22.7.1929 to 19.5.1931 in the Govt College, Mangalore, as a Stipendiary student from the Fisheries Dept. On the successful completion of his training, he was appointed, in March 1931, to act as Asst. Teacher Sri Jnanodaya School, Mangalore. He continued in this capacity till 1.8.32, when he was deputed to the Fisheries Training Institute for undergoing the final year course as an Fisheries Stipendiary student. On the successful completion of his training on 20.6.1933 he was not given any appointment

Item No 1 Cl 4 of P 7 Cl 1.

P 37 Cl 2.

P 9 Cl 1. & P 14 CF.

Para 2 of P 6 Cl 1.

by the Asst. Dir (coast) who has explained that the reason for this was that the character of Mr. Fernandez and his previous record were not satisfactory and that there were better men available. Bom P. 95 C.F.

The main grievance of the petitioner is that since he was given training by the Govt. he should have been employed before others who underwent training subsequent to him.

3. The Statutory Rules for the Madras Fisheries Subordinate Service were issued on 28.9.1929. Fernandez was appointed Asst. on contract teacher in a Fisheries School in July 1928 and had put in about one years service before the issue of the Statutory Rules for the Service. He was selected by the Selection Committee for Fisheries Training in July 1929 prior to the issue of the Statutory Rules, which prescribed that only persons possessing a Trained Teachers' Certificate of the Govt Fisheries Training Institute, Calicut, should be selected for admission to the Staff of Fisheries Schools. Before the issue of the Statutory Rules there was no restriction as regards the employment of men not trained in the Fisheries

Kan. P. 3 of P. 3 C.F.

23.7.1928 & 19.7.1929

Cor P. 71 C.F.

D of P. P. 27-28 of Exh.

Govt Dy (G) 28.7.34

Training Institute, Calicut, and teachers who completed the two years' training at Mangalore have been confirmed in the past without any further training at the Fisheries Training Institute. The Madras Fisheries Subordinate Service rules[1] which came into force[2] subsequent to the petitioner's appointment should not be made applicable to him and should not affect the petitioner to his prejudice. His case is analagous to those ~~classified~~ disposed in G.O.No.1065 dated 28-7-1934. He should therefore have been ~~confirmed~~ continued in service. ~~But~~ But the Assistant Director, ~~however~~, has been extending his probation and finally discontinued his service for the reason that his work and conduct was not satisfactory. It is not clear under what rules he extended his probation. If he had considered the the Madras Fisheries Subordinate Service Rules were applicable to him, he cannot maintain his position.

Under Rule 5 (a) (viii) of the Madras Fisheries Subordinate Service Rules, no one shall be eligible for admission to the service (as teacher)

(i) if the scale of pay is Rs.35 - 60 unless he holds a secondary grade trained teacher's certificate of the Fisheries Training Institute, Calicut

(ii) if the scale of pay is Rs. 25-50 unless he holds a Higher Elementary Grade Teacher's certificate of the Fisheries Training Institute, Calicut.

Provided that an untrained teacher of the higher elementary grade shall be eligible for admission as a teacher on Rs.20/- per mensem.

The memorialist was first entertained in 1928, trained at Mangalore during 21-7-1929 to 19-3-1931; was continued as teacher thereafter till 1-8-1932 when he was sent for training at Calicut. During this period he completed his probation as teacher about the end of March 1931 - the period of probation being only one year. The Assistant Director's contention is therefore incorrect. Further, the rules do not provide for extension of probation and the Assistant Director should have been aware of this. His action in extending it is, therefore, irregular.

The Assistant Director states that he did not employ him after his training at Calicut because his work and conduct was reported to be bad. If this were so, ~~it is not clear why he~~ he need not have admitted him for training at Calicut in 1931. His statement that he could not stop a man selected by the Selection Committee could perhaps be accepted as there is no use in spending money on a worthless man.

The Fisheries Training Institute is maintained to train teachers for Government Fisheries Schools. The course lasts three years. Teachers required for South Kanara are recruited in South Kanara; are first given training for two years in the Government Training School at Mangalore and if a sufficient number of them for a class are available are sent immediately to the Fisheries Training Institute at Calicut to undergo the third year course. If, however, sufficient number ~~of teachers~~ are not available, they are employed as teachers till a class is formed for them. After training they are continued as teachers. In the circumstances, the Assistant Director has no reason to keep a trained teacher of the F.T.I. unemployed after Government had spent money over his training.

5. It may also be pointed out that the petitioner's case has not been brought to the notice of Government in 1932. His name should have been included in the

list furnished by the Director with his letter No. 153-C/32-5 dated 2-2-1932 in reply to O.M. dated 15-1-1932 at page 6 of G.O.1160 Dev. dated 27-8-1932. On this date the petitioner would have put in service in the department as follows:-

Teacher in the Udayavar Fisheries School as untrained teacher.	From 23-7-28 to 19-7-29.
Secondary grade teacher's training at Mangalore.	From 22-7-29 to 19-3-31.
Assistant Teacher in the Sri Jnanodhaya School, Mangalore.	From March 31 to 2-2-32.

It is quite probable that Government would have declared him fit to be confirmed without further training at the Fisheries Training Institute, as he was a secondary grade teacher. The action of the Assistant Director throughout seems to be irregular and the Director has not examined the case properly and corrected him.

The Director may now be told that the petitioner should be restored to the rank which he would have occupied with reference to his past service since 1928 and that if he is unfit to be retained in service, he should take disciplinary action against him. Public may see the case before he is told accordingly.

ASSISTANT SECRETARY TO GOVT. 28 MAY 1935 CHIEF REC. 13914

Dev. No. 1624 II/35-1
25.5.35

Public (Services)

23/5/35

25/5

F

88

Subsy Dept

Please see pp 70-76 C.F. and the Dev Dept's note from page 3 ante.

In the cases disposed of vide O.S. 1065 Devds 24.7.49.54, it was held that certain teachers who had been appointed before the issue of the rules for the Madras Fisheries Subtle Service should not be prejudicially affected by the rules which were issued after their appointment. The ~~xxxxxxxxxxx~~ teachers were considered to have completed probation and entitled to confirmation It was also held that their pay could not be reduced to the pay admissible to untrained teachers even though they had not secured a pass in the 3rd year course of the Fisheries Training Institute Calicut

(B) vide D.S' note at pp 25-26 & ante at pp 27-28

In the present case also the petitioner had been appointed before the issue of the Statutory rules for the Fisheries Subordinate Service ~~xxxxx~~ issue of the rules cannot adversely affect him. Even though he ~~xxxx~~ did not pass the third

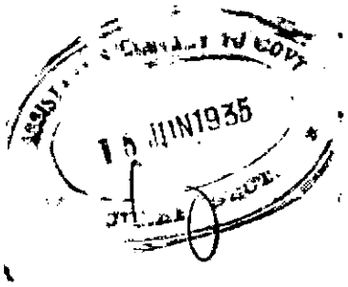
A-nd 5 ante

in the Department the petitioner was entitled to be confirmed without any further training. The petitioner however has also undergone successfully the training in the fisheries institute. The petitioner's case is similar to those disposed of by G.O.No.1065 Dev. dated 28-7-1934 and should be treated similarly. Please see in this connection paragraph 1 of my note at p.25 of the G.O. The petitioner's case should be disposed of on the principles stated in G.O.No.1065 Dev. dated 25-7-1934 and this department agrees to the proposal of Development at A on p.7 ante.

(G)

(G)

18/6/35



To Undersign

Pub(Sn) 13914-1
15-6-1935

Please see the remarks of the Public Deputy Secretary above. He agrees to the proposal of this Dept.

Dev. No. 2016-11
18.6.35

2. Before issuing orders on the petition the question is what the scale of pay the petitioner should now be allowed and how the period of unemployment from 20-6-33 should be treated have to be decided After the completion of ordinary secondary grade Training the petitioner was started on the scale of Rs 25-50 from March 1931 and continued to be on that Scale till he was taken in

The Fisheries Training Institute in Aug 32. After the completion of the training he was not given any appointment. Prior to the introduction of the Statutory Rules for Madras Fisheries Subordinate Services the scale of pay allowed to ordinary trained secondary grade teachers was Rs 35-60.

The petitioner after his completion of ordinary secondary grade training in March 1931 was started on Rs 25-50 instead of Rs 35-60. by the Dist. Director. ~~If the petitioner had~~ The petitioner is therefore entitled to the old scale of pay of Rs 35-60. and should be so allowed now by relaxing, if necessary, rule 5 of the Rules issued in G.O. No 811 Public dt 13.4.33 in his favour. The remarks of Pub. Dept. may be invited.

3/4 The may be requested to state how he passed of unemployment from 30.6.32, may be treated.

Note on

Y

Y

(2) p

Public
28.6.35. 28.6.

Fin
29/6/35. S.

Public
Finance. Fin 12/7/35.

Pubs Dept Dm no. 16 24 II/35-2
2.7.35

Rc 1426 L.C dt 9.6.34 required for reference in connection with 17125/

ASSISTANT SECRETARY
15 JUL 1935
OTHER SECS.

The case relates to certain memorials submitted by Mr. L.Fernandez, late a Fisheries School teacher. The details connected with him are as follows :--

Para: 3 page 1 c.f; page 7 c.f.; page 28 c.f.

23-7-28 to 19-7-29. Held appointment as an untrained teacher on Rs.20 per mensem in the Udayavar Fisheries school. General educational qualification - that of an S.S.L.C.holder.

(In transit to the place of training).

22-7-29 to 19-3-31. Underwent ordinary secondary grade teachers' training in the Government Training College, Mangalore, as a stipendiary student deputed by the Fisheries department. - Passed in the final examination.

* as opposed to training in Fisheries Training Institute, Calicut.

(In transit to join duty).

para: 5 page 1 C.F.

26-3-31 to 31-7-32. Employed as a teacher in Sri Jnanodaya Govt.Fisheries school in the scale Rs.25-1-5 then applicable to Higher Elementary grade trained teachers.

1-8-32 to 19-6-33. Underwent third year's training in the Fisheries Training Institute, Calicut, as a stipendiary student deputed by the Fisheries dept. - Passed in the final examination.

20-6-33 onwards. Without employment. The Asst. Director of Fisheries and the Dir. of Fisheries did not give Mr.Fernandez any appointment on the completion of his training.

2. The Public (Services) department hold

(1) that Mr.Fernandez was entitled to confirmation as a teacher in the Fisheries dept. on his successful completition of the ordinary secondary grade teachers' training on 19-3-31;

(2) that he should accordingly be restored to the rank which he would have occupied if action as in (1) had been taken in due time; and

(3) that if the Director of Fisheries considers

Mr.Fernandez to be unfit to be retained in service, the Dir. should take disciplinary action against him.

3. The restoration of Mr.Fernandez to a teacher's post in the Fisheries dept. to which Public say he is entitled, will involve a substantial amount of expenditure for which the Govt got no return. From the Dev. notes on pages 5-7 ante it will be seen that such expenditure is the result of several irregularities committed by the Assistant Dir. of Fisheries over whom the Director of Fisheries did not exercise adequate control. It is submitted that Dev. may be requested to investigate whether the extra expenditure to which Govt. will be put by the irregularities committed by the officers of the Fisheries dept., may not be recovered from them, after obtaining from them explanations for such irregularities.

4. As a preliminary to giving effect to Public department's views, Dev. want to settle two points which are noted on below :--

(a) What scale of pay should be admitted to Mr.Fernandez with effect from 20-3-31 when he had completed the ordinary secondary grade teacher's training. Dev. say that the scale of pay allowed to ordinary trained secondary grade teachers prior to the issue of the Madras Fisheries subordinate Service Rules was Rs.35-60 and that this *scale should be allowed to Mr.Fernandez by relaxing, if necessary, Rule 5 of the rules issued with G.O.311 Puo.(Ser.) dated 13-4-33.

*Instead of 25-50 which was actually allowed to him.

Public however deal with the point with reference to two distinct periods :--

(i) Period prior to 1-8-32.

Public point out that Mr.Fernandez would be eligible for the scale of Rs.35-60 only if he held a post the pay of which was Rs.35-60 when held by a secondary

secondary grade teacher but not otherwise; they want Development to have the point verified. Public do not suggest relaxation of any of the rules issued with G.O.311 Pub. dated 13-4-33, ooviously because the period in question relates to a time when revised reduced scales of pay had not been introduced and those rules had therefore no application.

Submitted that the view taken by Public may oe accepted in Finance. Dev will no doubt consider the point at N on page 73 cf.

(ii) Period from 20-6-33 the date from which Mr. Fernandez was not given any appointment in the Fisheries department. Public do not make any specif suggestion.

It is submitted that the scale of pay to oe admitted to Mr.Fernandez in the period from 20-6-33 should oe regulated by the rules issued with G.O.311 Pub.(Ser.) dated 13-4-33 and no question of relaxation of any rules issued with that G.O. should ordinarily arise.

Thro' C.S.R.

CM
10.8.35

5. (b). How the period from 20-6-33 the date from which Mr.Fernandez was not given any appointment in the Fisheries department should oe treated.

In the case of one Miss P. Lakshmikutty, offg. School Assistant, whose probation was terminated without sufficient justification and who was reinstated by Government at the instance of the Madras Services Commission, the question was raised as to how the period of break in her service should be treated. It has been agreed to in Finance that it may be treated as duty and that she may be given half pay as in the case of Mrs. Amirtharaj. The question how such breaks

should

98

be treated is being dealt with as a general question and orders have not yet been issued. The case of Miss Lakshmikutty is awaiting a decision on the general question.

6. In the present case the details of the services of Mr. Fernandez are given in para.2 on pp.3-4 ante. It will be seen therefrom that on the successful completion of his training on 20-6-1933 in the Fisheries Training Institute he was not given any appointment. Public (Services) hold that Mr. Fernandez was entitled to confirmation as a teacher in the Fisheries Department even on 19-3-1931 when he completed the ordinary secondary grade teachers' training and that he should be restored to the rank what he would have occupied if he had been ~~confirmed on the above date~~ continued without break and confirmed in his turn. The question raised is how the period of unemployment from 20-6-1933 should be treated. As the period of break in his case has occurred after the completion of his probation, the general question referred to in para.5 above has no bearing. His case is somewhat similar to that of Mr. J. Sundaraj disposed of in G.O. No. 1339 Rev. dated 11-6-1935, wherein the period of break was treated as leave on half average pay and extraordinary leave without leave salary. It is for consideration whether the above procedure may be suggested for adoption in the present case also or whether the period may be treated as duty and half pay allowed as in the cases of Mrs. Amirtharaj (Woman Assistant Surgeon) and Mr. Chami Nair, Clerk in the Office of the D.I.G. Railways & C.I.D.

I agree with Hy Secretary Public. The Asst Secretary of Industries is mainly responsible for this matter and he seems to have acted hurriedly

99

A

Fin no. 241/2/35-I
16-8-35

ASSISTANT SECRETARY TO GOVERNMENT
16 AUG 1935
DEVELOPMENT DEPARTMENT

Dev. 2656-II
16-8-35

above this agrees with R. no 13 and 4 no [illegible] a draft T.M. to D.F. is submitted for approval

26/8.

26/8/35

25 600

Please return.
Govt Mangalore

T. M.

To the D.F.

D.O.No.76.Gf. Ref: your letter no. 2970C/34.4,d. 27.4.193
Memorial of Fernandez. teach

T.M. Issued
Govt
27.8.35

Please state whether there was any post on Rs 35-65 to which Fernandez could have been appointed on his completing the secondary grade training in Mangalore on 19-3-1931.

26/8/35.

26.8.35

101 2

Department of Fisheries,

Madras, 9th September 1935.

Post copy of telephonic message.

Ref: Your telephonic message dated 27-8-35 regarding memorial of L. Fernandez.

The Assistant Director (Coast) reports that there was no post in any Kanarese school on a pay of Rs.35-60 to which L. Fernandez could have been appointed on his completing the secondary grade training in Mangalore on 19-3-31 vide para 2 (para 5) of the Assistant Director's letter No.7135-F/34 dated 3-2-35 copy of which was submitted to Government with my letter No.2970-C/34-4 dated 27-4-35.

for Director of Fisheries.

To

The Under Secretary to Government,

Development Department.

26 L04

Finance (Ex.) Deptt.

p 15 19 ante / placed below

Previous Finance note on pages 15-19 ante) Submitted that the draft order may be accepted in Finance, and the case returned to Dev. With reference to para 3 of Finance note on page 16 supra, it is stated that the reinstatement of the petitioner involves no extra expenditure to Government, as the break in service since 20.6.33, is to be treated as leave on half average pay only to the extent to which he is eligible for it, and the remaining period is to be treated as extraordinary leave without pay. In the Civil Finance may agree that no action relating to recovery of expenditure is necessary.

Vide para 3 of new note on p 23 supra

NC 5-10-35

CM 7.X.35

Thro' C.S:R.

8.X.35

7.10.35

Rev.

Fin no 31797 Ex

9-10-35

ASSISTANT SECRETARY TO GOVERNMENT 8-OCT 1935 DEVELOPMENT DEPARTMENT

Tous

Enclosed. The draft may now issue

Dev. 3423-II

9-10-35

9/10/35

10.10

11/10/35

S. 12/10

13/10

H.M.2

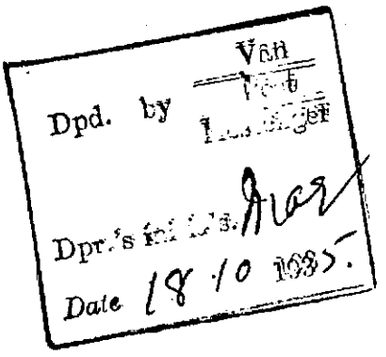
15.10.35

16/10

107

Assistant Director to have taken disciplinary action against him in the ordinary way at the time.

~~and punish him legally.~~ But, ~~he should not have taken the law in his own hand and discharge the teacher.~~ ~~These reasons could not now be urged in justification of the irregular action.~~ without taking such action, it was not open to the Asst. Director to have discharged him His action in doing so was irregular.



To the D. F. ✓

To the memorialist (para 1 only) through the D. F.) ✓

bm 21035

Asst Secy (Ops) S. 18/10

MANGALORE
OFFICE OF THE ASST. DIRECTOR OF FISHERIES (G&S)
1413 M36(1)
10 MAR 1936
CALICUT

From
L. Fernandes,
Headmaster, Govt. Fisheries School,
Mavenda, Kumranjeshwar P. O.
S. Canara Dt

Thro' the proper Channel,

To
The Honourable Minister,
Development Dept. Madras

Sir,

With reference to the memo D. Dis. No. 3155-C/35 dated 31-1-36, Of the Director Of Fisheries, Madras which I received on 3-3-36, I most humbly beg to represent that I was deputed by the Fisheries Committee for Secondary Grade Training on Secondary Grade Stipend. I passed the Secondary Grade training and also passed the Fisheries training at Calicut. In this way I became a full fledged Fisheries Secondary Grade Teacher. Yet I am paid the salary of an untrained teacher Rs 25 and Rs 2 as Headmaster's allowance in spite of my undergoing all these long courses of training.

I also beg to Submit that the Secondary Grade trained Headmasters of Complete Elementary Schools are paid Secondary Grade teacher's Scale of pay. Under these circumstances I most humbly pray that I may kindly be paid the Salary of a trained teacher for which I was deputed

Sir (L)

-2-09

by the Fisheries Committee in the year 1929

I beg to remain,

Sir

Your Most Obedient [redacted]

L Fernandes

3/3/36 Hm.

Navunda
3-3-1936.

A Separate copy has been submitted directly to the Honourable Minister, Development Dept: Madras

Submitted to the Asstt. Director of Fisheries (coast), Calicut.

Lambert
6-3-36
Supdt. of Fisheries, Mangalore.

Selection Committee for the admission of Students in the F.T.I.

K. P. G. Menon, M. A. (Oxon).

Govt. College, Mangalore.

L. Fernandes was one o my very good students in the training Class. He bore himself always with dignity and was noted for his behaviour and aptitude for English. I have reasons to believe that my Colleagues share my opinion about his characte and I am sure he will carry out any work that may be entrusted to him with care and diligence.

(Sd.) K. P. G. Menon,

8th June 1931.

Vice principal.

112

Government College, Mangalore.

6th June 1931.

Mr. L. Fernandes was a student of the Government Secondary Training School during the years 1929 - '30 and 1930 - '31. I had something to do with the course of Instruction in the Training Department and I am happy to be able to say that I have always found Mr. Fernandes to be manly, capable and dutiful in thought, word and deed. I shall be glad if his many excellent qualities of head and heart meet with their proper reward.

(Sd.) K. Venkat Rao, M.A.L.T.,
Lecturer, Government College,
Mangalore.

(TRUE COPY)

113 6 STC)

Govt. College, Mangalore.

11th June 1931.

L. Fernandes who was a student in the Secondary Training Class of this College from 1929 - '31 is well known to me. He has attended my class in Biology for a year and during that time I have always found him to be very earnest and hard working student. He takes a very great interest in the study of Biology and he has collected some fine marine specimens for the College Museum. Imbued with a strong sense of duty as he is, he is sure to make himself useful wherever he may be. His character and conduct have been throughout very good.

(Sd.) Venkatasubramanian.

Lecturer in Natural Science.

114

Govt. Fisheries Office,

Calicut, 16-3-36.

Endt. No. 7135-F/34 dated 16-3-36.

Forwarded.

2. The petition is frivolous.

for Asst. Director of Fisheries (Coast)

C.R.A. 18/3

To

The Director of Fisheries,

MADRAS.

18-3-36

Dev. Dept. Dis. 2.5.369 116

Dev. 224-IV
4.5.36.

From:

Fernandes,
Teacher - Government Fisheries School,
Navunda. Kirimanjeshwar Post. S. Kanara.

Through:

The proper channel.

To

The Hon'ble Minister,
Development Department,
Fort St., George, M A D R A S.

pp. 1-2 within

Sir,

In continuation of my Memorial dated 3-3-'36 praying to grant me secondary grade scale of pay, I most humbly beg to submit as follows :-

In the year 1929 I was selected for secondary grade teacher's post by the Fisheries Committee and was sent up for Training on Secondary Grade stipend. At the successful completion of my training I ought to have been started on a pay of Rs 35 to 60 for which I was selected by the Committee. By mistake I was started on a scale of Rs 25 to 50 and till to-day I am paid Rs 25/- per mensem.

In this connection I most humbly beg to represent that the Fisheries Committee is a body similar to the Madras Services Commission. When the Madras Services Commission selects a candidate for a Sub-Inspector's post on Rs 55/- to Rs 80/- that candidate cannot be appointed as a clerk on Rs 30/- in the same office even if he --- offers to do so. Similarly when I was selected for the Secondary Grade Teacher's scale of pay by the Fisheries Committee I ought to have been appointed on Rs 35/- to 60/-. I beg to submit that in Government Order No: Ms. 1443/dated 17-10-35 it is stated that I am eligible for Secondary Grade scale from 20-6-33. If I were to be paid only Higher Grade scale (25/- to 50/-) at the completion of my training there was no necessity for me to undergo two years of Secondary Grade Training. I could have undergone the Higher Grade Training in 9 months and could have got myself qualified for the scale of Rs 25/- to 50/- as per the rules existing. In this case I would have been a Trained teacher much earlier than the other two teachers of my batch who had to undergo two years' training in order qualify themselves for a scale of Rs 25/- to 50/-. Government would have also saved the stipend paid to me for the remaining --- period.

Therefore I most respectfully pray that I may be paid the scale of salary (Secondary Grade scale) from 20-6-'33 for which I was selected by the Fisheries Committee. I am also prepared to work in any part of the Presidency. If this is not practicable I may at least be transferred as a clerk, the scale of pay of which is equal to the scale for which I was selected by the Fisheries Committee.

Navunda,
27th April '36.

I beg to remain,
Sir,
Your most obedient servant,
Fernandes
27/4/36.

Copy submitted direct.

7135/F/34

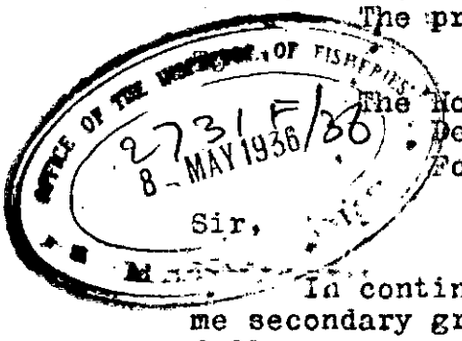
From:

L. Fernandes,
Teacher - Government Fisheries School,
Navunda, Kirimanjeshwar Post, S. Kanara.

Through:

The proper channel.

Dev 473-IV
6.6.36.



The Hon'ble Minister,
Development Department,
Fort St., George, M A D R A S.

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Navunda,
27th April '36.

I beg to remain,
Sir,
Your most obedient servant,
L Fernandes
27/4/36

11 MAY 1936

Coy submitted direct.

6.5.36

Dis. no. 4336. Submitted to the Inspector of Fisheries (N.S.) Mangalore.
Govt. Fisheries School Navunda. Dated 6/5/36
R. Chandappa.
A m .

Submitted to the Asstt. Director of Fisheries (coast) Calicut.
Kamboat 7.5.36
Insp of Fisheries

P.T.O.

18 MAY 1936

Endt. No. 7135-F/34 dated 5-1936

Submitted to the Director of Fisheries.

Assistant Director of Fisheries(Coast),
Calicut

C.P.A. 16/5

To

The Director of Fisheries,

MADRAS.

Endt no. 931-C/36-

Submitted in continuation of my Endt. 931 C/36-1 Dated 2.5.1936.

Director of Fisheries.

To The Secretary to Government.
Development Deptt.

119

Fin. Deptt

O.M. No. 261-IV/36-1, d., 16.6.36

Sub: Petition, dated 27-4-36, from L. Fernandez, Headmaster, Fisheries Training school, Kannada

Ref:- Endt. of the D.F. No. 931 C/36-1, dated nil

The D.F. is requested to offer his remarks on the request of the petitioner to be appointed as a clerk, as contained in the last para of the petition.

15/6/36

Rs. 13.6.36.

13/6

C.I.B 12 Bcsp. 16/6

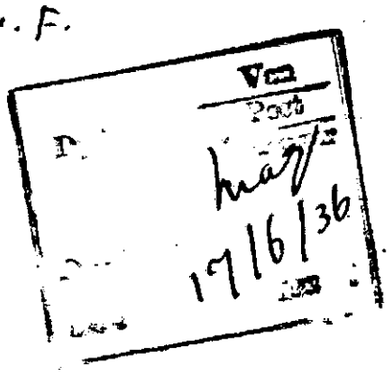
16/6.

16/6

p. 11c f.

A at p. 9c f.

To The D.F.



121 HK

Letter No.7135-F/34 dated 2nd September 1936 from the Asst. Director of Fisheries (Coast) Calicut.

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Schools - Establishment - Teacher L.Fernandez - petition dated 27-4-36-for being appointed as Clerk.

Ref:Govt.Memo.No.261-IV/36-1 dated 16-6-36 and your Endt. No.931-C/36-2 dated 25th June 1936.

--

I enclose copy of a letter received from the Inspector of Fisheries, Mangalore, D.Dis.413/36 dated 12-8-36. I also invite your attention to the following extract from para 2 of my letter No.7135-F/34 dated 3-2-35:-

"When he was employed in the Fisheries school at Udayavar, the Inspector suspected that he was making false entries in the attendance registers. He was found guilty of committing certain postal frauds and of threatening the Postmaster, who detected them, so that the Police had to give him a warning. In connection with a vacancy in the F.T.I. he was suspected of having forged another person's name in an application. While he was undergoing training in the F.T.I.he was also suspected of having forged the signature of Mr.B.M.Thingalaya, a prominent member of the fishing community at Mangalore in a letter supposed to have been written by him to Mr.Sreshta M.L.C. The Inspector of Fisheries Mangalore, under whom he worked and the Headmaster F.T.I. reported adversely about his general character."

In the circumstances, I do not recommend his appointment as a Clerk. Indeed, if any teacher has claim for a clerk's place, Mr.A.G.Spadigam, who had previously applied for it, should be given preference. There is no reason why a teacher whose conduct is unsatisfactory should be helped to get a better scale of pay by being appointed as a Clerk.

--

(2)

Copy of letter D.Dis.413/36 dated 12-8-36 from the Inspector of Fisheries, Mangalore.

**

I am decidedly of opinion that L.Fernandez is not fit to fill up the post of a Clerk for the following reasons.

2. Although Fernandez is an S.S.L.C. and is able to converse in English fairly, his knowledge of english is very poor and quite inadequate to enable him to discharge the duties of a Clerk. Even as the Headmaster of an Elementary school, the communications that I used to receive from him were always found to be of a very low standard.

3. Apart from this, I have been impressed in my dealings with him as his official superior, that he is characteristically not straight forward in his ways and hence not reliable or trust-

15

trustworthy. Under the circumstances, I fear that he is not one to be trusted with any records in an office.

S.A.

C. No. 4188 I/36 from the D.F. No. 931-C/36-35 17-9-'36)

Dev. Dept.

To A.S.

Please see the note at pp 1-2 dup the O.M. at p. 12 C.f and the D.F's report at p. 13 C.f

2) In the circumstances reported by the D.F. the petitioner's requests cannot be complied with. A draft Endorsement is submitted for approval

3) With reference to Secy's Query on p. 13. C.f. it is submitted that the petitioner having asked that he might be appointed as a clerk the D. F's remarks were called for on the petitioner's request.

D dated C.F.

X in D.M. dated C.F.

R.G. 26/9/36. V.R. 26.9.36

RR 28/9/36 S.

CIO 1.X.36